



**Matthews & Matthews, LLC**  
**Confidential Investigation: August 9, 2019**  
**Town of Hingham**  
**Department of Engineering**

**Executive Summary**

On May 2, 2018, Matthews & Matthews, LLC was retained by Mr. Thomas Mayo, Town Administrator, on behalf of the Town of Hingham, to conduct an administrative investigation concerning allegations involving potential misconduct by employees of the Hingham Engineering Department. Specifically, that Town Engineer, Mr. Roger Fernandes and Assistant Project Engineer, Mr. Harry Sylvester, were involved in an outside employment business for Mr. Fernandes' private company, identified as BRL Construction (consulting) Services, while at the same time being paid by the Town of Hingham.

Mr. Mayo was concerned that Roger Fernandes was also inappropriately using the Town of Hingham's computers and equipment to conduct his private business and that Mr. Harry Sylvester had used paid sick time from the Town of Hingham to work for Mr. Fernandes' company on a private contract in the City of Quincy, MA. Additionally, Mr. Mayo asked Matthews & Matthews to conduct a review to determine whether the administrative person for the Engineering Department, identified as Mrs. Carol Costello, may have had some involvement in Mr. Fernandes' company while being paid as a Town of Hingham employee.

On May 8, 2019, Stephen and Frank Matthews from Matthews & Matthews, LLC met Mr. Thomas Mayo and Assistant Town Administrator Michelle Monsegur at the Hingham Town Hall to discuss the scope and plan of action of the investigation. Matthews & Matthews, LLC was provided with records and background information pertaining to the Hingham Engineering Department, as well as the employees assigned there. During this meeting, Matthews & Matthews' investigators were informed by Mr. Mayo that Assistant Project Engineer, Mr. Harry Sylvester had just recently retired; and that Town Engineer, Mr. Roger Fernandes had been placed on administrative leave with pay. Matthews & Matthews, LLC learned that in December, 2018, the allegations of potential misconduct were first brought to light by FOIA request from a Boston news media outlet

concerning the employees assigned to the Hingham Engineering Department. Matthews & Matthews also learned from Mr. Mayo and Ms. Monseguer that the local news media station had run a story with photos and videos that allegedly depict Mr. Roger Fernandes and Mr. Harry Sylvester performing work in the City of Quincy as part of a private contract, while possibly being paid as employees for the Town of Hingham.

Investigators for Matthews & Matthews, LLC and Town Administrator, Mr. Thomas Mayo, agreed that investigators from Matthews & Matthews would conduct an administrative investigation to determine if at any time during the 2018 calendar year, Mr. Fernandes and/or Mr. Sylvester were working in the City of Quincy during their Town of Hingham hours of employment. Investigators would also attempt to determine if any other Engineering Department employees were involved in Mr. Fernandes' company, while at the same time being paid for work for the Town of Hingham.

It was further agreed that Matthews & Matthews, LLC investigators would attempt to determine if Mr. Roger Fernandes, or any other Town employees, were utilizing the Town of Hingham computers and equipment to conduct Mr. Fernandes' private business. Lastly, investigators were asked to determine, if possible, if property belonging to the Town of Hingham was removed by Mr. Fernandes, or others, when Mr. Fernandes was placed on administrative leave by Mr. Mayo.

In furtherance of this investigation, Matthews & Matthews were provided with time, attendance and payroll records from the Town of Hingham for the Engineering Department employees and a color coded time Excel spreadsheets created and maintained within the Engineering Department. Investigators were also provided a copy of a hand written page from a journal with data entries provided by Harry Sylvester concerning his time in attendance in September 2018. Copies of these documents are included in this report.

Investigators were advised that as part of this investigation, Mr. Mayo requested that Mr. Steven Becker, Director of MIS for the Town of Hingham, conduct a restoration, backup and preservation of the computers owned by the Town of Hingham and utilized by Mr. Roger Fernandes, Mr. Harry Sylvester, and Mrs. Carol Costello of the Engineering Department. This restoration and backup was conducted for the following three dates: December 3, 2018, April 15, 2019, and May 27, 2019. Further details of the procedure followed by Mr. Becker are provided in a memo from Mr. Becker to Mr. Mayo and included in this report. Investigators asked for and were provided with a searchable hard drive by Hingham MIS Director Steven Becker that contained the restoration and backup that he performed on the town of Hingham computers utilized by Engineering

Department employees Roger Fernandes, Harry Sylvester, and Carol Costello on the three dates noted above (12/3/18, 4/15/19, and 5/27/19).

Additionally, investigators were provided with still shots of a surveillance video camera dated April 30, 2019 and May 1, 2019. These photos were obtained from a security camera which is positioned outside the DPW / Engineering Department building located at 25 Bare Cove Park Drive in Hingham. The photos depict Mr. Fernandes removing boxes and other items from the building while being assisted by fellow Town employees, Ms. Carol Costello and Mr. Thomas Molinari.

On June 17, 2019, investigators from Matthews & Matthews, LLC also went to the offices of the Town of Hingham's Engineering Department and were able to view both the inside and outside of the building. Images of the exterior and interior of this facility at 25 Bare Cove Park Drive are included in this report.

Investigators from Matthews & Matthews, LLC also conducted interviews of all Town of Hingham Engineering Department employees. Interviews were conducted with the following Town of Hingham employees:

Thomas Molinari (May 29, 2019)  
Carol Costello (June 19, 2019 and June 25, 2019)  
Harry Sylvester (July 2, 2019)  
Roger Fernandes (July 17, 2019)

### **Summary of Interviews – Engineering Department Personnel**

#### **Mr. Thomas Molinari – Assistant Projects Engineer / Inspector**

On May 29, 2019, at approximately 10:30 AM, investigators from Matthews & Matthews, LLC conducted an interview with Mr. Thomas Molinari at the Town of Hingham Town Hall in the East Hearing Room. Mr. Molinari was interviewed in furtherance of the administrative investigation regarding the Town of Hingham's Engineering Department. The interview was recorded with the permission of Mr. Molinari and he was unaccompanied by any representative. A transcript of this interview was completed and is included in this report.

At the outset of the interview, Mr. Molinari stated that he has been employed by the Town of Hingham since February 6, 2017. He stated that he is a graduate of Wentworth Institute of Technology, graduating with an Engineering degree in 2007. He said that he

was hired as an Assistant Projects Engineer / Inspector. He said that his primary responsibilities surround the five-year road program that the Town had undertaken, as well as overseeing private contractors and utility companies.

Mr. Molinari said that when he was first hired, the Engineering Department consisted of Mr. Roger Fernandes, who was the Town Engineer, and Mr. Harry Sylvester who was the Assistant Projects Engineer. He added that Ms. Carol Costello was also there and provided office support as the Administrator. He said that the office is located on the second floor of 25 Bare Cove Park Drive in Hingham.

Mr. Molinari explained that the consecutive five-year plans of road improvements would essentially re-do all of the roads in Hingham within 25 years. He said that there are multiple contractors working simultaneously on a roadway that is being refurbished and the Hingham Engineering Department would coordinate the scheduling and scope of work needed to be done.

Mr. Molinari stated that some of the work that is done in the town must be certified by a qualified engineer. He was asked if he was familiar with Mr. Paul Costello of Quincy and if he had ever worked with him. Mr. Molinari stated that he has not worked with Mr. Costello but has seen him in meetings with the Town. He said he believes that Mr. Costello assisted the Town of Hingham as a private consultant in the past.

Mr. Molinari was asked if, upon being hired by the Town, he was aware that Mr. Roger Fernandes had a private consulting company known as BRL. Mr. Molinari stated, "No." (p. 56) Mr. Molinari added that he believes that he first learned of BRL sometime late last year (2018). Mr. Molinari stated that he was aware that, "they do other things off-hours and off the town...the Town of Hingham." (p. 57) He added that he was not exactly sure how he learned of the outside work that BRL was doing. Mr. Molinari said that he was told by Mr. Sylvester that he was helping out Mr. Fernandes. He said that Mr. Fernandes never offered him a position with his outside consulting firm and he never asked to join in. (p. 60)

Mr. Molinari said that his regularly scheduled hours in Hingham are 7:30 AM until 4:00 PM. He added that should he need to come in early or stay later, he was entitled to overtime hours. He added that he believes that Harry Sylvester worked the same schedule he did. Mr. Molinari said that Carol Costello worked a part time schedule, usually working Tuesday, Wednesday and Thursday each week for a total of 20 hours. He said that Carol usually comes in to work around 8:00 AM or 8:30 AM and leaves around 4:00 PM. Mr. Molinari stated that Mrs. Costello also receives a stipend as part of

her compensation for the administrative assistance she provides to the Town's Community Preservation Committee (CPC).

Mr. Molinari stated that he believes that Mr. Roger Fernandes works "a flex schedule" as the Town's Engineer. He said that Mr. Fernandes will usually come in to work around 8:00 AM or 8:30 AM and work until 4:00 PM. He added that Mr. Fernandes has "a lot of night meetings" that extend his workday. (p. 68)

Mr. Molinari stated that while he is very friendly with Mr. Fernandes, the two of them never really socialize outside of work.

He stated that since this matter has come to light, he has not sat down with either Roger Fernandes or Harry Sylvester and had a conversation about what's going on. He said, "They might have informed me that there is some type of investigation going on...but that's all they really said." (p. 75)

Mr. Molinari said that he reached out to Mr. Fernandes about a week ago to check in with him on how he's doing. He said he did the same thing with Harry Sylvester to catch up. (p. 77)

Mr. Molinari was asked about Mr. Sylvester and Mr. Fernandes cleaning out their offices after each received their notification from the Town. He said that he assisted Mr. Fernandes in taking his belongings from the office. Mr. Molinari stated, "I don't know exactly what he took...I helped him pack, there were books on construction and personal files he had...I didn't look through the files." (p.79) Mr. Molinari said that Carol Costello also assisted Mr. Fernandes in removing boxes from the office. He said that he recalls that there were approximately 8-10 boxes that were removed and placed in Mr. Fernandes' car. He added that he didn't look closely at what the files were and that many of the files were already in boxes. He said that he did not remove the files from a file cabinet. (p. 81)

Mr. Molinari was shown an invoice from BRL Construction Services. He was asked if he had previously seen a similar invoice or other records pertaining to either Polaris Company or DCI. Mr. Molinari stated, "No." (p. 83) He added that he did see BRL information on Mr. Fernandes' LinkedIn account.

Mr. Molinari was asked if there is GPS and mapping equipment located within the Engineering office in Hingham. He stated that there is, and the program is used on many projects in the town. He added that the equipment is actually stored in his office. He said that he is the only one in the office who ever uses the equipment. He added

that he is unsure if the machine records and saves all of the previous searches and reports that were run, but that he would not erase anything that is stored from previous searches. (p. 89)

Mr. Molinari was asked if he knew what Mr. Fernandes was actually doing to assist the City of Quincy with their projects. He stated, "I think they were advising on road projects, you know, just making recommendations I guess...I don't know, I wasn't involved." He was asked if he was aware of any other towns that Mr. Fernandes may have been assisting as a consultant. He stated, "I do not know." (p.91)

Mr. Molinari stated that it is possible that Mr. Fernandes could have used the Engineering equipment at the Hingham office to create plans for another town but he was not aware and had no knowledge if he had. He explained that they use a software program called "AutoCAD" which is installed on their computers. He said that only he and Mr. Fernandes would be able to use it. He said that Harry Sylvester "wasn't very computer savvy." (pp. 93-94) Mr. Molinari stated that the town also provides an aerial GIS mapping software that assists the engineers in locating sewer drains, fire hydrants and wetland areas. He said that both he and Mr. Fernandes would utilize the different software tools a couple of times each week. Mr. Molinari was asked if he was aware whether Mr. Fernandes ever used the mapping and GIS technology to assist him in his outside projects. He said, "I do not know." (p. 98) He said that he believes that you could request the GIS information on another town other than Hingham by going to a website for that particular town. He added that he believes having the software that is installed on their computers allows them to view specific roadway items and sewers that otherwise would not be available to the public. (p.106)

Mr. Molinari stated that he believed the value that Mr. Fernandes and Mr. Sylvester brought to an outside community project was "their experience." (p. 109) He said that he does not have any outside employment beyond his responsibilities with Hingham, but that he would love to have another thing on the side if he could.

Mr. Molinari said that he knows Mr. Fernandes uses a laptop computer as part of his Hingham position. He said he is unaware if the town supplied the computer or if it's his own. He added that he (Molinari) was not issued a computer or iPad device and that he was only given a phone by the Town. He does not know what other equipment the Town may have issued to Mr. Fernandes. (p. 114)

Mr. Molinari was asked if he was aware whether Mr. Fernandes or any of the other Engineering Department employees could access the Town's network from a remote location or from their homes. He replied, "Roger might because he has a laptop. I think

he had another...a network that he could with a VPN." (p. 116) He said that neither he, Carol or Harry had that access that he was aware of.

Mr. Molinari was asked about the sick leave time that employees receive as part of their employment package. He said that he believes that they get 15 days a year in sick leave. He added that he personally negotiated three weeks of vacation time when he was hired. He stated that they also receive four days a year in personal time. He said that only the sick leave credits were able to be carried over from year to year.

Mr. Molinari explained the payroll system in the office and how they enter their time for any given week. He said that Carol Costello handles the entering of the work hours for the office. He said that most entries for the current week are submitted on Wednesday's and that each of them tells Carol what they anticipate working for both Thursday and Friday of the week. He said that should there be a change in either Thursday's or Friday's attendance for any reason (a vacation day), then the payroll entries would be adjusted the following week by Carol Costello to reflect what the actual attendance was. Mr. Molinari said that Mr. Fernandes approved the payroll entries. (p. 124)

He explained that he receives overtime compensation for hours worked outside of his regular shift. He stated that he would let Roger Fernandes know what hours he worked each week. He added, "He (Roger) knows that we have to work overtime, he knows what we are doing." (p. 124) Mr. Molinari said that there is a "four hour minimum" for overtime hours, but that, "sometimes we don't always charge the four hours...sometimes if we just go out for an hour, we won't charge the four hours." To clarify this point, Mr. Molinari was asked if there is actually a four hour minimum. He said, "I guess not, no." (p. 126)

Mr. Molinari said that he would verbally tell Carol Costello if there were any changes to his weekly time entries. He said that he rarely if ever had to enter anything on the spreadsheet for payroll hours. He said that he recalls that maybe one time, when Carol was out, that he helped get the entries done.

Mr. Molinari was asked if Mr. Fernandes' time sheet would just reflect his regular work hours since he did not receive overtime. He said that Roger's would show the regular eight hours, "with any comp time that he's done." Mr. Molinari was asked how Mr. Fernandes received comp time credits. He stated, "Night meetings." (p. 129) Mr. Molinari was asked if he went to a night meeting with Mr. Fernandes, it's understood that Mr. Molinari is on overtime, but what would Mr. Fernandes be receiving. Mr. Molinari stated, "comp time." Mr. Molinari said that he has heard Mr. Fernandes tell Carol Costello that he is "using four hours comp time" on some occasions.

He was asked if he believes that Mr. Fernandes' "comp time" accrued from week to week throughout the year. He replied, "as far as I know, it accumulates...I don't know exactly but I believe it accumulates." (p. 132) He added that he could have also earned comp time hours as well but chose to put in for the overtime hours.

The interview with Mr. Molinari was concluded at 12:08 PM.

**Mrs. Carol Costello – Administration, Engineering Department – June 19, 2019**

On June 19, 2019 at approximately 10:30 AM, investigators from Matthews & Matthews, LLC conducted an interview of Carol Costello, the office administrator for the Town of Hingham Engineering Department. The interview took place in the Hingham Town Hall East Hearing Room. The interview was recorded with the permission of Carol Costello and a copy of the transcript of the interview is included in this report.

Mrs. Costello stated that she is a part-time employee for the Town of Hingham. She said that she has a 20 hour a week permanent part time position as administrative staff for the Engineering Department and she also receives a stipend for work she performs for the Community Preservation Committee in Hingham, Massachusetts. She said that her office for the Engineering Department is located at 25 Bare Cove Park Drive in Hingham, Massachusetts.

Mrs. Costello said that she has been employed by the Town of Hingham for approximately 10 years and she started sometime in 2008. Mrs. Costello said that her usual schedule as the office administrator for the Engineering Department is Tuesday, Wednesday, and Thursday during daytime office hours. She said that if she is needed to come in on other days for ongoing projects she will change her schedule and come in on a Monday or Friday.

Mrs. Costello said that since the time she began working for the Town of Hingham her supervisor has been Roger Fernandes. She said that Roger Fernandes was one of three individuals on the panel interview committee that hired her. She said that the other two were David Bassler from the Human Resources Department and Betty Foley, a former Assistant Town Manager. Mrs. Costello said that when she first was hired in the Engineering Department their office was located in Town Hall. She said sometime in 2010 or 2011 they moved to their current address on the second floor of the same building as the Department of Public Works.

Mrs. Costello said that when she first started, the Engineering Department consisted of just her and Roger Fernandes. She said the Department grew by first adding Harry



Sylvester as an employee approximately eight years ago and then more recently in the last couple years with the hiring of Tom Molinari.

Mrs. Costello said that her primary responsibilities for the Engineering Department are administrative. She said that she is also responsible for maintaining time and attendance records for the employees in the Engineering Department.

Mrs. Costello was asked how she maintains the time and attendance records in the Engineering Department. She said, "We have an Excel spreadsheet that Tom Molinari put together probably two years ago so each one of us has our own sheet and then Harry and Roger didn't access it at all. It will be Tom and I. So we would put in the days the people worked or took off personal time ... I try to keep track of Roger's comp time like meaning how many meetings he went to and so forth." (p. 13)

Mrs. Costello was asked about the comp time records she kept for Roger Fernandes and if he was entitled to comp time. Mrs. Costello said, "Yeah, like I don't know.....and if he said ....you know what, he never really took comp time he just would say oh I had a meeting last night so it was always like a standard four hour comp whatever you did so I always consider that pretty much our true records." (p. 13)

Mrs. Costello said that the Excel spreadsheet that she maintains in the office is then used to generate the time sheet for Town Hall Accounting of their Department's attendance. Mrs. Costello said that comp time is put on the Excel sheets in the office and she keeps track of it but the Excel spreadsheet is not submitted to the Payroll Office. Mrs. Costello said that the Excel spreadsheet is located on the common drive for the Engineering computer system. Mrs. Costello said that only she and Tom Molinari access the Excel spreadsheets.

Mrs. Costello said that Roger Fernandes and Harry Sylvester both work 40 hours a week and that Harry Sylvester is entitled to overtime pay after the 40 hours. She said that Roger Fernandes does not receive overtime for work after 40 hours in a week. Mrs. Costello was asked what hours Harry Sylvester works during his day shift Monday through Friday. She said she thought his normal hours were from 7:30 AM to 4 PM. She said she was not sure how the half hour lunch time is recorded but she knows that all that is recorded for a full day worked is eight hours on the attendance time sheets. Mrs. Costello said that she fills out the attendance sheets for Harry Sylvester and Roger Fernandes and they tell her what they worked that week. She said they do not access the computer attendance records. She said that Roger Fernandes has experience with computers however Harry Sylvester is not as experienced with computer use.

Mrs. Costello said that she submits the attendance sheet to Town Hall usually on a Wednesday or at the latest on a Thursday morning. She said she submits the time sheets to Ms. Houngh Phan who works for the Town of Hingham Accounting Office.

Mrs. Costello said there is an issue when they submit the time sheets on Wednesdays because they include Thursday and Friday on them. She said that if an employee takes a day off or was sick on that Thursday or Friday, it would not be rectified until the following week's attendance record was submitted. She said that she would note the change from the previous week's attendance on the next week's attendance sheet so that the Town could make the necessary changes to the employee's accrued attendance records. Mrs. Costello also said that if someone worked overtime after Wednesday that is also not recorded until the following week.

Mrs. Costello said that the Accounting Office sends a record every six months of the Engineering Department's employee accruals. She said that she then rectifies any discrepancies from the actual attendance records she maintains and those maintained at Hingham town hall.

Mrs. Costello said that although she maintains Roger Fernandes' attendance records he is different than the other employees because he is a salaried employee. She said that she would ask Roger Fernandes if he attended any meetings at night after normal work hours and if he did she would note those as comp time owed. Mrs. Costello was asked how Roger Fernandes takes his comp time that she records for him. She said, "He really doesn't take comp time he just says to me keep track of it, make sure you put in all the hours that I work." (p. 30)

Mrs. Costello was asked to explain her understanding of how Roger Fernandes uses his comp time. She was also asked if Roger Fernandes was entitled to extra pay if he did not use what she considered his compensatory time owed. Mrs. Costello said it was her understanding that he did not get paid for unused comp time at the end of the year. She said, "See, and again he's on contract and I don't get a copy of his contract, so I don't really know the full terms of the contract, apparently, like I don't know... I really don't know how comp time in all that is figured out... he would just say I took, I had another meeting and I would just keep track of it and he never got paid ... I don't think he ever got paid for it." (p. 31-32)

Mrs. Costello was asked if Roger Fernandes would ever tell her that he was off the following day and that he was going to take eight hours of comp time. She said, "Yes and if he did that I would put it on his record." (p. 32)

Mrs. Costello was asked if it was her understanding that Roger Fernandes had a lot of comp time owed. She said, "He did ... he had, yeah, almost 110 hours for 2018 he never took." (p. 38)

Mrs. Costello was asked what is recorded on the official time sheet that the Town of Hingham maintains when Roger Fernandes would take eight hours comp time for a day. Mrs. Costello said she would be the only one that would know that Roger Fernandes used comp time for a day. She said the town would think on their attendance records that he worked his actual eight hours. She said that the Accounting Department doesn't keep track of Mr. Fernandes' comp time.

Mrs. Costello was asked if Roger Fernandes used sick leave time how she would record that. She said that in all the time she's worked with him she thinks he's only taken maybe a couple of days of sick time from work.

Mrs. Costello said that the Town Accounting Department never asked her about Roger's comp time. She said he had roughly 110 hours of comp time earned in 2018 and maybe 100 hours in the year before that he never used. She said the hours just go away and nobody ever notices it.  
(p.46)

Mrs. Costello was then asked what she knew about Roger Fernandes' company, BRL. Mrs. Costello stated that she never knew Roger Fernandes had another company until she saw it for the first time in the recent news reports. Mrs. Costello said she never heard of the company, never did any paperwork for the company on behalf of Roger Fernandes and never heard Roger Fernandes talking about it on the telephone in the office. She said that in November (2018), her husband mentioned something about Roger and Harry and the City of Quincy, but "I didn't even know they were doing any kind of work for the City of Quincy." (p. 53)

She said that her husband had a company that was doing business with the town of Hingham when she was first hired so she filed a disclosure form with the State Ethics Commission at the suggestion of the Hingham Town Council and Roger Fernandes.

Mrs. Costello said that she does not socialize outside of work with Roger Fernandes or his wife. She said that she's never been to Roger Fernandes' home and he in turn has never been to her home. She said that her husband and Roger Fernandes know each other but do not socialize together.

Mrs. Costello was asked if she knew anything about an allegation that Harry Sylvester used sick time to supposedly work outside employment in Quincy. She said, "Only after the fact because Harry said something to me, he said it was... first, he said he thought he obviously had enough sick time, he was getting ready to retire in July. And he knows he gets \$10 a day for sick and he had over 3,000 hours so apparently he called in sick and I said yeah, I put you down sick...and I didn't realize what they would do is work through the night. He explained it to me."(p. 55)

Mrs. Costello said that she approached Harry after this became public and asked him if he could tell her what was going on. She said that Harry told her, "there was an eight hour mistake and there's another one that's a clerical mistake, meaning me apparently, I'm clerical... so that he called in sick and either finished a job or wherever but called in sick to the Town of Hingham and that's all I know about the sick time." (p. 56)

Mrs. Costello was asked if he told her he did it. She said, "He said it was....he didn't think anything was wrong with that." (p. 56)

Mrs. Costello was asked who approves of sick time. She said, "Well, Roger approves the time sheets but each person has to approve yourself. So each employee has them on the timesheet so I type everything and then I bring it into each one of them and say check this and sign." (p. 56)

Mrs. Costello was asked when she does that with the Engineering employees. She said "Wednesday". (p. 57) She said she asked them if she got everything right and she says that on Thursday and Friday she would have them scheduled as working and if anything changes let they would let her know next week and she would make the accrual adjustment.

Mrs. Costello was asked how it works that Roger signed the time sheet when Harry was sick. She said, "Do you know how much stuff I put in for that guy to sign? He just signs it." (p. 61)

Mrs. Costello was asked if Roger and Harry ever said they ran into her husband in Quincy. She said, "No, everything was very professional...that's what I mean, I was just as shocked when I saw it on the news. I was like, oh my God like, I had no idea and I worked for Roger for ten years I had no idea that he had a business. I think they said on the news for eight." (p. 63)

Mrs. Costello said that Roger never told her he had to go out to Quincy or any other towns for work.

Mrs. Costello was further asked to explain what Harry told her had happened when these allegations were first made known. She said that Harry told her, "I can't believe this, he's like I took sick time, I took eight hours." I said, "So it's an eight hour mistake we're looking at like this whole thing eight hours." (p. 67)

Mrs. Costello was asked if she had a conversation with Roger regarding the allegations. She said, "No other than the sick time ... "Harry ... and he (Fernandes) said, apparently Carol I signed the timesheet." and she jokingly said, "Geez, I could've put in an increase for myself and you would've signed it." (p. 69)

Mrs. Costello said she never knew Roger Fernandes was up in Quincy doing any private work.

Mrs. Costello said that she helped Roger Fernandes pack when he was going on leave. She said that she packed up his closet. She was asked what she packed. She said, "I packed up his work boots, his hardhat, his vest, he had shirt, ties, personal belongings in the office, little knickknack stuff, pictures of the kids, awards and certificates on the wall. I took that stuff down." (p. 73)

Mrs. Costello said that Roger Fernandes was going through things and helping them pack too; she said he had a lot of engineering manuals, old ones from when he was at Northeastern and old stuff that he should've thrown out 10 years ago when they moved over to the new building.

Mrs. Costello was shown some BRL Construction Services' invoice paperwork and asked if she had seen any paperwork like this before, or when they were packing his belongings. She said she had not. She said that she packed his personal belongings that were in the closet.

Mrs. Costello said that she and Roger Fernandes and other employees in the office had work calendars but she could not see Roger's private calendars or appointments on the computer.

Mrs. Costello agreed to meet again with investigators to review documents and attendance sheet records that she mentioned in this interview.

**Mrs. Carol Costello – Administration, Engineering Department – June 25, 2019**

On June 25, 2019, investigators from Matthews & Matthews, LLC conducted a second interview of Carol Costello, the office administrator from the Engineering Department for the Town of Hingham. The interview took place at Hingham Town Hall in the East Wing Hearing Room. The interview was recorded with the permission of Mrs. Costello and a copy of the transcript is included in this report.

The purpose of the second interview was to have Mrs. Costello demonstrate how she performed her administrative duties regarding time and attendance for the Engineering Department. A laptop computer was provided to Mrs. Costello so that she could retrieve documents and answer questions for investigators.

Mrs. Costello provided investigators with a copy of the spreadsheet that she maintained at the Engineering Department to track attendance records. Mrs. Costello also explained to investigators the process and the time sheet that she fills out and sends to the Accounting office at Town Hall in the Town of Hingham. Mrs. Costello stated the following on how she obtains the hours worked by Roger Fernandes and Harry Sylvester. She said, "So after they give me their hours, I would input it into the spreadsheet and then print that spreadsheet for everybody to review, sign and then I scan it to the Accounting Department, and I mail the hard copy to the Accounting Department." (p. 2)

Mrs. Costello said that only she and Tom Molinari would input information into the color-coded spreadsheet that they maintained for their office purposes. She said that Roger Fernandes would verbally communicate to her his attendance and Harry Sylvester kept his own written book to track his attendance and would then also verbally provide his hours worked, overtime and time used.

Mrs. Costello said she would ask Roger Fernandes each week if he did his normal 40 hours. She said he would also tell her if he had meetings during the week. She said if he did say that he attended meetings then she would put those in as comp time owed just to keep track that he went to a meeting.

Mrs. Costello was asked if comp time for meetings automatically imports four hours. She said, "Yes, automatic even if it's only an hour meeting." (p. 15)

Mrs. Costello was asked how it was that it was an automatic four hours of comp time. She said, "You know again I don't know his contract, I don't know what's in the contract." (p. 15) Mrs. Costello said she was told that a long time ago but she could not

recall by whom. Mrs. Costello said she was told that's how it worked that you got an automatic four hours for a meeting, she felt it was perhaps mirroring the minimum hours for overtime for union employees. (p.16)

Mrs. Costello explained her attendance records system for 2018 and for summer 2019. She said the calendar runs from January to December 31. Mrs. Costello said that in recording comp time on her Excel spread sheet the comp time banked is in dark blue and the comp time used is in grey.

Mrs. Costello said that Roger Fernandes was the person who used and earned comp time regularly. She said on a very rare occasion Harry Sylvester would have a situation where he used some comp time. She said on that instance comp used was in gray.

Mrs. Costello said there was a typo on the heading of the attendance sheet for Harry Sylvester's internal Engineering Department attendance excels spreadsheet, because year 2018 actually says 2017. Mrs. Costello signed her initials on the sheet to show that it is a typo on Harry Sylvester's attendance sheet. Mrs. Costello said that the Excel document was only for internal attendance tracking for the Engineering Department and it did not go to the Town Hall for official attendance records. She said that it is her belief, however, that the Excel spreadsheet is 98% accurate. A copy of that sheet is enclosed in this report.

Mrs. Costello then printed copies of the Excel spreadsheets that she said she and Tom Molinari used to track attendance.

Mrs. Costello was able to bring up her email account that she has from the Town of Hingham. She was able to show internal emails from Roger Fernandes to her regarding Town of Hingham work.

Mrs. Costello along with investigators also conducted a search for anything related to Fernandes' company BRL on her emails to determine if she ever had an email from Roger Fernandes or anyone regarding Roger Fernandes' BRL Construction Services. There was no correspondence regarding that company that investigators could observe. Mrs. Costello reiterated as she did in her first interview that she never knew anything about Roger Fernandes having another company. She had never heard of BRL Construction Services until these allegations were brought forward.

Mrs. Costello was shown a page from a yellow notebook handwritten and depicting various dates in September of 2018 that was attached to a document. She identified that yellow page as a page from Harry Sylvester's notebook in which he kept his time

and attendance records and where he worked in town. Mrs. Costello said she had a conversation with Harry Sylvester the day before this interview and he told her that he had the notebook if anyone needed to look at it.

Mrs. Costello was asked when she spoke with Harry Sylvester after he left his employment with the Town of Hingham and retired. She said that the following week after Harry had retired she called him because she was not in the office on the Friday that was his last day. She said she asked Harry Sylvester what had happened. She said he told her, "It was sick time, eight hour mistake but now I'm finding out it's two hours... I mean two days but one was a clerical error." (p. 76)

Mrs. Costello was further asked if Harry Sylvester admitted to her that he did take a sick day. Mrs. Costello explained that she said to Harry Sylvester, "what do you mean you took a sick day and he goes, I took a sick day to finish work somewhere else." Mrs. Costello said she further said to Harry, "Well I saw it in the news." She said that Harry Sylvester said, "I had so much sick time I didn't think anything of it so an eight hour mistake," and she said she asked Harry, "Is that it" and he said, "Well, there's another day but I put down either vacation or personal but you (Carol Costello) typed in sick." (p. 77) Mrs. Costello said the time he really took would show in his notebook.

Mrs. Costello said when she heard her husband say that Roger and Harry were doing an unbelievable job she thought they were just helping out another city or town. Mrs. Costello said she never asked Harry or Roger about what they were doing in Quincy she said "I figured it wasn't any of my business." (p. 78)

Mrs. Costello was asked if Roger Fernandes ever told her he was working with her husband Paul. She said no and she believed from her conversation in November of 2018 with her husband that Roger was simply helping out the City of Quincy.

Mrs. Costello then explained the color coded printed sheets for the attendance for Roger Fernandes for the years 2017, 2018, and 2019. She said that as it appeared when they printed in color, the dark blue depicts vacation time and the off-color blue depicts compensation time earned. She also explained the notes portion of the documents that she authored. Mrs. Costello further explained that the color-coded printed sheets for Harry Sylvester's internal attendance had a typo for the years 2017 and 2018 and corrections were made on the header. (p. 104)

Mrs. Costello said only she and Tom Molinari would input the data on the color-coded spreadsheets and that they each did it a little differently, explaining why some of the days would have an X and some just have a number. She said "So, Tom Molinari and I



do it differently. I do Xs for days he's actually here and then overtime underneath it. She said Toms like, "Oh, just put the overtime in knowing that he was here" (p.102)

Mrs. Costello stated that the attendance sheets that she kept ran from January 1 to December 31. She said the town budget and fiscal calendar runs from July 1 through June 30.

Mrs. Costello then demonstrated to investigators the emails that she would send to the Hingham Accounting Department to fix corrections from the employees of the Engineering Department's previous week's attendance.

Mrs. Costello reviewed with investigators emails that she sent to the Accounting Department. There were no emails correcting Harry Sylvester's time dating back to September, 2018.

Mrs. Costello was asked if she currently knew the exact days that were in question concerning Harry Sylvester inappropriate use of sick time. She said "I don't know the days." (p. 117) Mrs. Costello further said she had no information from anyone on what the exact date in question concerning Harry Sylvester's inappropriate use of time is.

Mrs. Costello was asked what Harry Sylvester's usual hours of work for the Town were. She said that Harry works 7:30 AM to 4 PM. She said that if he worked before 7:30 AM or after 4 PM, it was her understanding that he would be entitled to overtime pay.

Mrs. Costello was then asked what hours Roger Fernandes worked in the office. She said, "Roger pretty much was 8 o'clock to 5 o'clock." (p. 120) Mrs. Costello said that if Roger attended a meeting at night after 5 PM he would earn four hours of comp time. Mrs. Costello was asked if Roger Fernandes ever got comp time in the morning; she replied "no". (p. 122)

#### **Mr. Harry Sylvester – Assistant Project Engineer – July 2, 2019**

On July 2, 2019, at approximately 11:00 AM, investigators from Matthews & Matthews, LLC conducted an interview with Mr. Harry Sylvester, Assistant Project Engineer for the Town of Hingham, MA. Mr. Sylvester was interviewed in furtherance of the administrative investigation regarding the Town of Hingham's Engineering Department. The interview was recorded with the permission of Mr. Sylvester and he was unaccompanied by any representative. The interview took place at Hingham Town Hall

in the East Hearing Room. The transcript of this interview was completed and is included in this report.

Mr. Sylvester stated that he was hired by the Town of Hingham in June of 1978. He stated that he eventually became a foreman in the Public Works Department and by the time he retired in April, 2019, he was the Assistant to the Town Engineer. Mr. Sylvester briefly explained that his responsibilities included procurement and oversight of road construction projects in the Town of Hingham.

Mr. Sylvester stated that he first met Mr. Roger Fernandes in 1998 while working a road construction project on Rte. 228 in Hingham, MA. He stated that Mr. Fernandes was consulting on the project as an employee of Lanney Associates consulting group. Mr. Sylvester said that the Town later had the need for a consultant to assist in overseeing the Greenbush MBTA project and he recommended that the town hire Mr. Fernandes for the job. Mr. Sylvester stated that he based his recommendation on Mr. Fernandes' experience and professionalism.

Mr. Sylvester stated that the Town decided to hire Mr. Fernandes as a full-time employee to oversee the Greenbush project construction. Mr. Sylvester stated that he believed that this occurred in 2002 and that Mr. Fernandes was given the title of Town Engineer. Mr. Sylvester added that the Engineering Department really didn't exist prior to Mr. Fernandes' appointment and those responsibilities had been managed by the Public Works department. He said that given the number and complexity of the projects the Town was undertaking, the Engineering Department was needed to manage the work. Mr. Sylvester stated that following a "shake-up" in several Town departments in 2008-2009, Mr. Sylvester agreed to work as the Assistant to Mr. Fernandes in the Engineering Department. Mr. Sylvester stated that the Engineering office at the time consisted of just Fernandes and Sylvester, and that an administrative assistant, identified as Carol Costello, was hired for support. Mr. Sylvester stated that the office eventually moved from the Town Hall building to an office on Bare Cove Park Drive. Mr. Sylvester stated that an additional employee, identified as Mr. Tom Molinari, was hired to join the engineering team in 2017.

Mr. Sylvester noted in his interview that he has a great deal of respect and the highest level of trust in the work that Mr. Fernandes does and that they have a mutual level of respect for each other and the work they do. (p. 14)

Mr. Sylvester was asked about the manner in which the time and attendance was kept at the Engineering office. He said that he keeps his own time and attendance in a spiral notebook which he provided to investigators to view. He said that he has always

maintained his attendance notebook in this fashion since his days working for the Hingham DPW. Mr. Sylvester stated that he has maintained this current notebook since 2010 and made his final notation on his last day of employment on April 25, 2019. (p.16) Mr. Sylvester stated that he would keep the notebook on his desk in the office and make the notations each day. He added that he did not use a computer to track any of his hours or attendance. (p.18) Mr. Sylvester said that the primary notations in the book were his overtime hours and to log any time off he took. He said that at the end of each week, he would give the notebook to Carol Costello so that she could electronically enter his attendance and hours into the Hingham attendance database. He added that Carol would make notations in the notebook for Mr. Sylvester reflecting what she entered into the database for each particular week. Mr. Sylvester added that on the occasion that there was not a lot of work going on and he didn't have any overtime hours, he would just verbally tell Carol that he worked his regular 40 hours for the week, and she would not have to view the notebook. (p. 24)

Mr. Sylvester stated that Carol Costello worked a part-time schedule and that she was off most Mondays and Fridays. He said that Carol would try to complete the Engineering payroll entries by Wednesday afternoon, or sometimes on Thursday. Mr. Sylvester explained that Carol Costello would fill in the anticipated work schedule for both Mr. Fernandez and Mr. Sylvester on Wednesday to reflect their attendance for Thursday and Friday of any given week. He explained that should he or Mr. Fernandes take a vacation day or utilize a sick day instead of coming to work, Ms. Costello would make the adjustments upon returning to work the following Tuesday and notify the Hingham payroll department. Mr. Sylvester said this system applied for capturing overtime hours that were missed as well. (pp. 24-26)

Mr. Sylvester stated that he was an hourly employee as part of the Engineering department and that Tom Molinari was hourly as well. He said that in his previous position as part of the DPW crew, he was a salaried employee.

Mr. Sylvester was asked if beyond his regular hours and those he received overtime for, did he earn "comp time" as part of his position. He stated that he worked so many hours in a given week, in order to make it less confusing for Carol Costello in navigating his hours of regular time, overtime and double-time, he just started keeping a separate notation in his notebook for Comp time hours. (p.31) Mr. Sylvester added that Carol did not make the adjustments in the comp time hours in his notebook and that he handled this himself.

Mr. Sylvester was asked if he knew whether Mr. Fernandes took comp time hours as well. He said that in his opinion, "no one works harder in this town than Roger

Fernandes." He added, "he (Roger) was there till ten o'clock at night sometimes...He was there every night after I left very rarely did he leave at four o'clock."

Mr. Sylvester was asked if he ever heard Mr. Fernandes discuss his work hours with Carol Costello or Mr. Fernandes using comp time to compensate for his additional hours. Mr. Sylvester stated, "I might have heard them saying, you know...put that down as Comp time, or I'm (Fernandes) gonna take four hours, or something...very rarely." (p. 32)

Mr. Sylvester stated that he would tell Mr. Fernandes, "'You better make sure you're puttin' in some of this comp time. Uh, that's ridiculous, Roger. You're missin' your kids' games. Your missin' your own family gatherin's. There was one time where his family went to Disney World without him. 'Cause he -- he was dedicated.'" (p. 33)

Mr. Sylvester was asked who signed the attendance sheets for the Engineering Department. Mr. Sylvester replied, "I assume Roger was. He's in charge." Mr. Sylvester was asked if he ever signed the attendance sheets, to which he replied, "No". (p. 35) Mr. Sylvester was asked if at some point, he and Mr. Fernandes went into business together, outside of their regular work. Mr. Sylvester stated that Roger had a consulting business for years. Sylvester stated that for years, he would hear Roger Fernandes say, "He had to go down and look at a job for somebody." (p. 36) Mr. Sylvester added that it wasn't a really big topic of conversation with him.

Mr. Sylvester stated that he believed that Mr. Fernandes had been working this private company for years, even prior to working for the Town of Hingham. Mr. Sylvester was asked if he was aware of the name of Mr. Fernandes' private company. He replied, "I'm not really sure, there's a couple of companies he mentioned, like T&K or something." Mr. Sylvester was asked if he was referring to T&K Paving Company. He replied, "I don't know..." He added that he thought that Roger Fernandes was doing this private work "under the name of Roger Fernandes." (p. 37)

Mr. Sylvester was asked if at some point he began working for Mr. Fernandes in his private company. Mr. Sylvester stated, "Yeah, I asked him...I said, you know, if anytime you need...you need a hand on the side, I'm available, you know?" Mr. Sylvester added that Mr. Fernandes said, "Sure, I'll keep you in mind...We wouldn't want anyone but you, if we needed somebody." (p. 37)

Mr. Sylvester was asked when he actually started to work with Mr. Fernandes on the side. He said that he and Fernandes would do some other stuff on the weekends. He added that the City of Quincy came down to look at Hingham's roadways. He said that

other communities such as Rockland also came to look at the work that the Hingham engineering team had been doing on the roadways.

Mr. Sylvester explained that he was observing over the years while working on roadway projects that the roads were not lasting as long as desired. He explained that he and Roger Fernandes developed a method of "micro-sealing" the roads which in turn was more durable and more cost effective. He said that this method started to become more widely known and that other communities were interested in their method.

Mr. Sylvester said that at some point last summer (2018), several engineers and highway supervisors came down to Hingham and walked several roads including Lafayette Ave. to assess the roadways. Mr. Sylvester said that the Town of Hingham had just completed work on that road. Mr. Sylvester recalled that one of the members of the visiting group was Carol Costello's husband, Paul Costello, who works for the City of Quincy.

Mr. Sylvester stated that Mr. Fernandes told him that "Quincy might be interested in doing some of this stuff." (p. 45) Mr. Sylvester added that at some point, which he believed to be about one year ago, Mr. Fernandes asked him, "do you want to go for a ride after work today?" Mr. Sylvester stated that Mr. Fernandes wanted to look at Quincy Ave. and Washington Street in Quincy.

Mr. Sylvester stated that Mr. Fernandes continued to talk with the Quincy officials and that eventually he was told by Mr. Fernandes, "they're gonna give him a road list and they're gonna...and he asked, "would you want to be a...you know, consultant over there and watch...oversee the work?" Mr. Sylvester stated that he told Mr. Fernandes, "sure". (p. 51) Mr. Sylvester stated that he and Mr. Fernandes agreed on a price for Sylvester's work, which Mr. Sylvester said he thinks was \$70.00 per hour.

Mr. Sylvester said that he recalls that the actual Quincy project began in August of 2018. Mr. Sylvester said that this was the first outside work he had ever done with Mr. Fernandes.

Mr. Sylvester said that at the start of the Quincy project, they knew that the majority of the work would be completed at night and on some weekends. Mr. Sylvester said, "I mean, I – at night, he'd meet me over there generally after the job'd get started. And we'd work till when we got done -- three o'clock in the mornin', four 'clock in the mornin'." (p. 53)

Mr. Sylvester was asked if he was aware of any other days that he put in for a sick day for the Town of Hingham and went to work for Mr. Fernandes on a private contract. He replied, "No, never."

Mr. Sylvester stated that he has spoken to Mr. Fernandes since this matter was aired by the media regarding his time and attendance for the days in question. He said that he was cleaning out his office at the time and took the opportunity to look at the time and attendance notebook he kept. He said that he showed Roger Fernandes the notebook and said, "Look! She (Carol) put down 16 instead of 8!" Mr. Sylvester said that Mr. Fernandes remarked, "That's a big difference." Mr. Sylvester said that he told Mr. Fernandes that he was going to make a copy of his notebook and show it to Mr. Mayo. He said that he did meet with Mr. Mayo and showed him the apparent clerical error. Mr. Sylvester said, "(he) didn't care. Didn't even mention...grabbed it, see ya later." (p. 107) Mr. Sylvester was asked if Mr. Fernandes seemed concerned about signing off on Mr. Sylvester's time sheet for the sick time. Mr. Sylvester said, "Well, yeah of course a little concerned." Mr. Sylvester said that Mr. Fernandes told him that they were accusing him (Fernandes) of fraud and collusion. Mr. Sylvester said that Mr. Fernandes added, "I signed the payroll that you were out sick." Mr. Sylvester said that he told Mr. Fernandes, "You gotta be kidding me! ...That was a mistake, I shouldn't have put that down. I admitted that."

Mr. Sylvester admits that on the 14<sup>th</sup> of September he took a sick day and should not have. He is adamant, however, that it was his intention that on the 17<sup>th</sup> of September he took a vacation day from work in the town of Hingham. He said that the attendance sheet is a clerical error and showed investigators that in his notebook he depicts it that he wanted to be placed on a vacation day for the 17<sup>th</sup> of September, 2018.

Mr. Sylvester was asked if he was still working for Mr. Fernandes' company in his retirement. He stated, "No, I have not," He added, "we have no work, no one is going to hire us. They want us, but no one's gonna hire us until this, uh, till this investigation's done. We've been outta work for ten weeks." (p. 109)

Mr. Sylvester was asked one additional time if Mr. Fernandes ever told him not to worry about taking the sick day from his Hingham time and work over on the Quincy project. He said, "Never, no, no." Mr. Sylvester was asked if he had any concerns that a closer review of the payroll records within the Town of Hingham might show some cross over with overtime or other hours spent while working for BRL. Mr. Sylvester stated, "No, not a chance."

Mr. Sylvester was asked if he reported to Paul Costello at the job in Quincy. He said "No". (p.53) He replied that they didn't answer to anyone. He stated that there was usually a general contractor on the site that was responsible for the work being done, "and we would just would supervise whoever they had coming in." (p. 54)

Mr. Sylvester was asked if he and Roger Fernandes always worked together. Mr. Sylvester stated yes; they would always show up at the same job together. He said that if the job was at night, they would usually work the same hours. He added, "If we had to work in the day...I'd take a vacation day, except once...and there was only a couple of those days" (p.54)

Mr. Sylvester stated that Mr. Fernandes, "would show up in the morning, stay about a half hour and then leave." He said that he was paid through a separate paycheck from Fernandes and that he recalls getting two checks, one at the beginning of the project and one at the end.

Mr. Sylvester stated that there was often work on the weekends and nighttime paving during the project. He was asked how he kept track of his hours for the Quincy project. He said, "I would just write them down, like I do here (Hingham)." He said Roger kept the books for the Quincy job and knew what Mr. Sylvester was working. Mr. Sylvester stated that if he gets the chance to go back to work on the private jobs, he will keep a ledger of his hours. He said that he can't recall the exact days that he worked. He said that he would verbally tell Mr. Fernandes what hours he worked in Quincy, or "write it down on a scrap of paper." (p. 59)

Mr. Sylvester stated that ninety percent of the Quincy work was done at night because it involved paving the road. Mr. Sylvester was asked if he had to guess how much day work was involved. He said, "If I wanted to guess, I bet you I worked three days during the week over there." (p. 61)

Mr. Sylvester stated that his scheduled hours for his Hingham job were usually 7:15 AM – 4:00 PM, and sometimes later. Mr. Sylvester remarked that he never took a lunch or coffee break during the day. He said that after 4:00 PM, he would be eligible for overtime pay. He added that while there is a 4-hour minimum on overtime hours if someone is called back into work, he felt bad about that and would usually only take the hours he worked. (p. 66) He said that Carol Costello would enter his overtime hours into the Hingham payroll system each week.

Mr. Sylvester was asked if he was aware that the company that Mr. Fernandes was using for his Quincy project was known as BRL. He replied that he wasn't sure, and that the name BRL might have come up in conversation one time.

Mr. Sylvester was asked if he ever needed to take some time off in the mornings after doing the overnight work in Quincy. He stated that he occasionally had to do that. [REDACTED] Mr. Sylvester appeared upset in describing the pay-out he received from the Town for his accrued sick leave. He stated that he had 340 days of accrued sick leave when he left and received a very small payment in return. [REDACTED]

Mr. Sylvester stated that he would often work the Quincy project until 2 AM or 3 AM and then go home and get 3 hours sleep before coming into work at the Hingham Engineering office. He said that he worked extremely hard at his job.

Mr. Sylvester was asked to further explain his use of a sick day from his accrued Hingham time to work the Quincy project. He stated he had accrued 341 sick days as part of his Hingham employment. He added, "Who in their wildest dreams would have thought there would be a big deal about it." (p. 80) He said, "In hindsight, oh man, do I wish I put down a vacation day...because I had vacation days. Why I didn't use a vacation day, I'll never know." (p.81)

Mr. Sylvester stated that his notebook reflects that he indeed used 8 hours of sick time on Friday, 9/14/18, but that his notebook, which he provided to Carol Costello to do his time sheet, reflects 8 hours of vacation time used for 9/17/18. Mr. Sylvester states that Ms. Costello recorded in error that two sick days used rather than just one on 9/14/18. (p. 84)

Mr. Sylvester stated that he received a call from Mr. Mayo, who told him to resign from his position. Mr. Sylvester stated that he told Mr. Mayo, "I'm not gonna resign now. If anything, I'd retire." Mr. Sylvester said that Mr. Mayo told him, "but you're gonna lose everything...lose your retirement, your entire pension." Mr. Sylvester said that he told Mr. Mayo, "On one sick day?" Mr. Sylvester said that Mr. Mayo told him that it was bigger than just one day. (p. 88)

Mr. Sylvester was shown several BRL invoices and asked if he was familiar with the billing process that handles the Quincy project. He stated that he had never seen any of the BRL invoices that Mr. Fernandes filed with the City of Quincy. Mr. Sylvester said



that he never kept a record of the hours that he worked on the Quincy project. Mr. Sylvester was shown the BRL invoice that reflects the weeks ending September 15<sup>th</sup> and September 22, 2018. Mr. Sylvester was shown the daily entry for Friday, September 14, 2018 which reflects he worked 9 hours in Quincy. Mr. Sylvester reviewed the entry and acknowledged that they were working on Elm Street, Liberty Street and West Street in Quincy on that day. (p. 93)

Mr. Sylvester looked at the BRL invoice with the particular entry for Monday, September 17, 2018. He acknowledged that they worked the same Quincy roadways on that day and that he worked 8.5 hours (6:30 AM until 3:00 PM). Mr. Sylvester stated, "if that was logged as 16 vacation, you think we'd all be sitting here right now?...Not a chance." (p.95)

Mr. Sylvester was asked if he was aware of the amount that Mr. Fernandes was billing the City of Quincy for Mr. Sylvester's time. He stated that he did not know how much Mr. Fernandes was billing Quincy for his time. He said that he knows that he was getting \$70.00 per hour for his work. He added that he was not sure which days that both he and Mr. Fernandes worked together on the Quincy site. In remarking about the September 14<sup>th</sup> BRL invoice, Mr. Sylvester stated, "I don't think...the 14<sup>th</sup>, for all nine hours...I don't think he was there for nine hours." He added, "I know he was there Columbus Day week, I knew he was there for that." (pg. 99)

Mr. Sylvester was asked if on September 14<sup>th</sup>, 2018, when both Mr. Fernandes and Mr. Sylvester were working together on the Quincy project, if he believed that Mr. Fernandes knew Mr. Sylvester was on a sick day from the Town of Hingham. Mr. Sylvester stated, "No." He was asked if he was sure of that belief, to which he answered, "Positive." (p. 100)

It was pointed out to Mr. Sylvester that Mr. Fernandes signed both the Town of Hingham payroll record that reflects that Mr. Sylvester was on 8.0 hours of sick leave on September 14, 2018, while also submitting a BRL invoice for the same day which reflects Mr. Sylvester worked 9.0 hours on the Quincy project. Mr. Sylvester stated, "Apparently."

Mr. Sylvester stated that he made his decision to retire from his position in Hingham and contacted Mr. Tom Mayo. He advised Mr. Mayo that his last day of work would be April 26, 2019. Mr. Sylvester states that Mr. Mayo requested his resignation letter by the close of business that day. Mr. Sylvester said that he advised Mr. Mayo, "I'm not giving you a letter of resignation; I'm giving you a letter of retirement." (p. 102)

**Mr. Roger Fernandes – Town Engineer – July 17, 2019**

On July 17, 2019 at approximately 11:50 AM, investigators from Matthews & Matthews LLC conducted an interview of Hingham Town Engineer Roger Fernandes. The interview took place in the East Hearing Room at the Hingham Town Hall. The interview was recorded with the permission of Mr. Fernandes and the transcript of the interview is contained in this report.

Investigators read a prepared statement of warnings prior to asking Mr. Fernandes direct questions concerning allegations of violations of town administration rules. Mr. Fernandes was also provided a copy of these warnings which he read prior to the interview.

Mr. Fernandes said he has been an employee of the Town of Hingham for approximately 15 years. He said that he became an employee in July 2004. He said he was hired by then Town Administrator Charlie Cristello as a Project Engineer. He said that he was originally a consultant to the Town on the Route 228 project for a few years prior to that. He said that his initial responsibilities were to oversee the Greenbush project. Mr. Fernandes said that he has an associate degree in Engineering and that he is NETTCP certified.

He said that when he first started, he was the only employee in the Engineering Department and that his office was located in Hingham Town Hall. Mr. Fernandes said that the first person that was hired to assist him in the Engineering Department was Carol Costello. He said that Carol Costello has been with working him in Hingham for almost 10 years. Mr. Fernandes was asked if he hired Carol Costello. He said that Carol Costello answered an advertisement for a job posting. (p.20) Mr. Fernandes said that he was involved in the hiring process and was a participant in the interview panel for her position.

Mr. Fernandes said that when he started, he was an hourly employee meaning that he worked 40 hours a week and that if he worked more than 40 hours, he earned overtime pay. He said that about six years ago his contract changed. He said that Ted Alexiadis, the former Town Manager, recommended that his position become a salary position. He said that he then became an exempt salaried employee which he described as "I got paid the same whether I work 20 hours, 60 hours, or 40 hours so I was a salaried employee." (p. 13) Mr. Fernandes said that his title changed from a project engineer to his current position as Town Engineer. (p. 19) Mr. Fernandes said that he works more overtime than any other town employee with the exception of perhaps the information technology person. (p. 13)

Mr. Fernandes said that in 2009, he and Carol Costello moved their office to the current Engineering and DPW building, which is located at 25 Bare Cove Park Drive. He said that Carol Costello was an administrative assistant, and in his opinion, she was the office manager.

Mr. Fernandes said that shortly after they moved to the new building, a second employee, Harry Sylvester, was assigned to him. He said that Harry Sylvester had originally been assigned to the Hingham DPW. He said that the Engineering workload had increased substantially and due to the fact that Harry's brother became the superintendent at the DPW, they moved Harry to the Engineering Department.

Mr. Fernandes was asked what happens as a salaried employee if he worked in excess of 40 hours in a week. He said, "yeah, well the town doesn't have a policy for like what happens as a salaried employee if you work 60 hours that week, but what they do in every office is, you know, if you had three night meetings or night meeting and you want to come in late or you don't come in, or don't come in on a particular day, and then that's what they would do... so you've already satisfied your hourly requirements. When I talked to David Bassler back then, way back, when he was still human resources person, and we never did this, it was he (who) had indicated that you know, there might be a law, a restriction on even, as a salaried employee how many hours you can work. So, if you're working more than that, for every hour you work you're supposed to take.... you're supposed to have an hour and a half if it's over 40, available to you to take time off that's what he had told me." (p. 22)

Mr. Fernandes said that in order to track time and attendance in his department, Tom Molinari and Carol Costello created a spreadsheet of what everyone was doing "and the intent wasn't to say, I'm going to take ...you owe me that time. The intent was like, if I worked 60 hours last week and 60 hours the week before, on the third week if I wanted to... you know, if I want to leave on a Friday or not come in on a Friday, there was... and somebody saw me not there, you could always say 'hey, you know, he put in his, as you know, I put in all that time well in advance of that.'" (p. 23)

Mr. Fernandes was asked what Harry Sylvester's position was when he originally came to work for him. He said that Harry Sylvester was an hourly employee and he was a project engineer. He said that Harry Sylvester was entitled to overtime and that his regular working hours were the same as the employees at the DPW which was 7:30 AM to 4:00 PM Monday to Friday.

Mr. Fernandes was similarly asked what Tom Molinari's position was when he was hired. He said Molinari was hired just a couple of years ago as a Project Engineer.

Mr. Fernandes was asked what hours Carol Costello worked. He said that Carol was a 20-hour employee and her hours varied. "Because, the idea was to try to have somebody that worked in the office there when the work... when bodies were needed to be there." (p. 30) He said that Fridays tend to be slower days for Carol and Town Hall closes at 1 PM, so she didn't normally work on Fridays. He said that Carol Costello was very amenable to shifting her days and hours. Mr. Fernandes said that both he and Carol Costello also got paid a stipend for performing work for the CPC program. He said that Carol Costello's stipend was based on a 15 hour a week basis and that he received a fixed sum of \$10,000 a year to do projects for the Community Preservation Committee (CPC). He said that Carol Costello was not earning overtime pay.

Mr. Fernandes was asked what his normal scheduled work hours are. He said on a normal day he would show up around 8:30 AM and he could be there until 5:00 PM, 7:00 PM, or 9:00 PM. He said he was not watching his watch. He said, "There is no other employee in the town of Hingham that put in the hours that I did." (p. 34)

Mr. Fernandes was asked how he and the people in the Engineering Department submit their attendance records. He said "Everybody fills out a timesheet every week, the timesheets are typically submitted mid-week so sometimes you have to project for Thursday and Friday. So, if you think you're going to be in on Friday, and let's say you get the flu on Friday... the following week you'd want to demonstrate that. It looks like you put in for regular day, but the following week hopefully catch it and you want to put in that actually you needed to use a sick day for that day. So, it gets reconciled the following week because the time sheets go in mid-week." (p. 35)

Mr. Fernandes said that Carol Costello handled the attendance, and everyone reported their hours to her.

Mr. Fernandes was asked how they kept track of hours and attendance prior to going over to the new building, when he was still in Town Hall. He said, "they passed around what was called a green sheet, you took a green sheet where everybody fills out their hours and a lot of the salaried employees, including the former town administrators, would write down 'as required'." (p. 36)

Mr. Fernandes said, "When we went over there (the new building), Carol would just put down 8-8-8-8-8, just so that the Excel spreadsheet would total the amount of hours that were required for me in terms of my salary." Mr. Fernandes added, "I suppose I

could've put down *as required* as the former town administrator and other salaried employees did, but she would just write down 8-8-8 because that's...that was my salary." (p. 37)

Mr. Fernandes said that for the other employees' attendance, whatever they worked would be recorded. He said that Harry Sylvester kept his own book; he said originally Harry wasn't completely computer literate and he was old-school and would write stuff down. He said that he had these old books that he would record what he did in them.

He said that once everyone reported their hours to Carol then "we would all sign the payroll sheet." (p. 38)

Mr. Fernandes said that in the past, even when they had the green sheets, he noticed that the town administrators would pre-sign the sheets, before he (Fernandes) had even put the hours that he worked for the week. He said that the administrator wouldn't know how much time you took credit for because they had already signed and approved it before Mr. Fernandes even got it.

Mr. Fernandes was asked if on the timesheet for his department, he signs for all three of his employees as their supervisor. He said "No, we all signed the timesheet, every one of us signs the time sheets." (p. 42) Mr. Fernandes was then asked is there is an approval of the time sheet by him as the Engineering boss. He said "No ...it's not...., everybody signs the timesheets and sends it in saying that this is the hours that they worked." (p. 42)

Mr. Fernandes was then asked again if there is any supervisory signature in his section on the attendance record. He said, "No, I mean I sign it just like everybody else, sign it for myself." (p. 43) He was asked again you don't sign and attest the record and he said "No, no, no, no, no, no, they don't do that here, that's why I was bringing that up they don't do that here, and if you think about it I would be introducing a new system that doesn't even happen here." (p. 43)

Mr. Fernandes was asked to further explain the computer-based attendance record system that Tom Molinari and Carol Costello helped to create. Mr. Fernandes said that he (Molinari) and Carol worked together to create a spreadsheet to track everyone's sick, vacation time, and what they were calling comp time. He said, "But when I say comp time I don't want to mislead to suggest that the town has a formal comp time system, although like I said, I talked to the human resources person Dave Basler who told me that, you know, if you work over a certain amount you know over hours." (p. 44)

Mr. Fernandes was asked when Dave Basler told him that. He said, "Like maybe five or six years ago." (p. 44) He said Basler retired approximately six months ago from the Town of Hingham.

Mr. Fernandes said he had a contract with the Town of Hingham in 2014, a contract in 2017, and that his current contract ends in 2020.

Mr. Fernandes was asked if David Basler ever told him he was entitled to comp time. He said "He told me ...I'm trying to recall the way... because it was five or six years ago... about something to do with even a salaried employees, you can't have people working 80 hours and if you work over a certain amount then you're entitled to time off. He said he made it sound like... it's not an agreement in the contract, but he made it, my recollection to the best of mine.... he made it sound like that even in the labor laws there was some restrictions on how many hours." (p. 46-47)

Mr. Fernandes was asked if anyone told him that he could take comp time. He said "No, nobody gave anybody at Town Hall the green light as far as I know.... (for) salaried employees, let's say if you come in and you...well let's say that week you had three night meetings and Friday came around, people said don't come in because they've already worked Monday, Tuesday, Wednesday, Thursday plus 3 nights that week. So that's just... that's just a practice that took place and I want to be clear on something on this, what I'm describing to you, I talked to Kevin Feeley about (it) and Tom Mayo on January 29, 2019 when I met with Tom Mayo and Kevin Feeley." (p. 48)

Mr. Fernandes was asked how he tracked his comp time in the past. He said, "I would come into the office and Carol would know I have a night meeting. It was never...I stayed until 10 o'clock last night, or I stayed until 9 o'clock, it was always like I have a study group meeting... I have a 3A... it wouldn't be all inclusive sometimes. I would tell her, sometimes I would not, which would mean I just never get credit for it , if you will, so if I came into the office or if she knew I had a 3A taskforce meeting that night, we would put together the agenda, we would prepare for the meeting and then I'd come in the next morning and she would say "you had your meeting last night, why don't we just record that you had a meeting", so I'd say OK, put me down for two hours or three hours. I had a meeting last night." (p. 50)

Mr. Fernandes said the reason was if he was there until 9 o'clock at night, and he wanted to come in later the next day instead of at 8:00 or 8:30, he could justify it by having had a late meeting the night before.

Mr. Fernandes was asked if it meant that you didn't have to come in at all the next day. He said, "Yeah, I mean if you had satisfied...I think what we tried to do is, if you had satisfied the requirements for the hours for the week and satisfied the work requirements for the week, and you worked 55 hours... it's Thursday and you say... you decide you weren't going to come in Friday, then yes people would do that." (p. 51) He was asked if he would do that. Mr. Fernandes replied that he did, but it was not just a specific rule for him.

Mr. Fernandes was asked if he ever reported to anybody above him at Town Hall that he had worked over his 40 hours and that he was on comp time and that he would not be coming in on any specific day. He said, "I started doing that right after I had a meeting with Tom Mayo on January 29<sup>th</sup>, I think." (p. 53) He said he did not do that prior to having that meeting in late January 2019.

Mr. Fernandes then went on to further describe his understanding of comp time and having Carol Costello record his comp time. He said, "the goal was always to be able to demonstrate that I have worked, you know, my full time in a given week or week prior if the question should come up and then.... and not necessarily record every single night meeting because she would come in and I would say 'Ah, don't worry about it, you know, I had a meeting last night, I don't need any more.'" (p. 55)

Mr. Fernandes was then asked how he could get comp time when he didn't have comp time available to him. He said, "No, well this is what I could get is, I could be able to demonstrate...the goal of that was to be able to demonstrate that I've worked, and I satisfied at least 40 hours in some given period. And if you see the timesheet, presumably...I don't know the totals... I have it here...if you see a sheet it's not just, you know, I've demonstrated that I've worked that 40 hours, I was demonstrating that I've worked way more." (p. 56)

Mr. Fernandes said by way of an example, that if they had a town meeting that went very late in the evening, he said that some people, and not that he would do this, but some people would not come in until noon or not come in at all on Friday. Mr. Fernandes said, "I almost never did that." (p. 57)

Mr. Fernandes was asked what equipment the Town of Hingham gave him for work. He said they gave him an iPhone and a desktop computer.

Mr. Fernandes was asked if he was ever called in by his bosses and they questioned him about not being available on certain days or that he was not putting in the hours needed for work. Mr. Fernandes said that his past and present bosses never said

anything like that to him and in fact, they said he was one of the four most valuable employees in the town and that his work was impeccable. He further explained that in terms of workload, there is no department other than the school department that manages more money on an annual basis. He said, "I don't feel the town owes me anything, but I don't owe them anything either, I put in a lot of time here." (p. 63)

Mr. Fernandes was then asked about what items he removed from his office on the day he left and was placed on leave. Mr. Fernandes said that he removed his personal belongings and things that he had accumulated over the past 15 years as an employee of the Town of Hingham. He said he had things like sweaters and boots in the closet and files and things on his bookshelf. Mr. Fernandes was asked if he was aware there was a video of him removing boxes from his office building. He said he was aware of this video because there are cameras right out front and on the corner of his office. Mr. Fernandes was then shown some pictures that were taken from the video of him removing boxes while being helped by Tom Molinari and Carol Costello.

Mr. Fernandes was asked what was in the boxes that Tom Molinari was moving in the picture dated April 30th. He said he packed up calculus books, physics books, procurement books, and AASHTO books.

Mr. Fernandes said that he packed his boxes in the office in the presence of Tom Molinari and Carol Costello. He said that he divided up stuff that was his and any records that were related to the Town of Hingham, he gave to Tom Molinari. He said he gave Tom Molinari binders such as the 3A project, a binder for the Harbor Development Committee and the inner harbor walls and other projects binders.

Mr. Fernandes said that he thought he removed as many as seven or eight boxes of his belongings from the office. He was shown a picture date stamped May 1, 2019. Mr. Fernandes said in that picture he's also carrying out personal stuff, but he did not recall what specifically. He said it was some papers and binders and that some might date back to the time he worked for the town of Wellesley prior to coming to Hingham.

Mr. Fernandes was asked if he took any records that belong to the Town of Hingham. He responded, "absolutely not and I'm going to tell you why I wouldn't have done that, if I wanted those records all I had to do was put on a piece of paper Roger Fernandes requests this record under the FOIA act. There's nothing that I have that belongs to the Town of Hingham that's in any one of these offices that I can't get by merely writing a letter and putting in a FOIA request." (p. 79)



Mr. Fernandes was asked if he backed things up electronically that were on his computer. He said that he did and that he backed up things like contracts that he authored and put them on to a hard drive. He was asked if he deleted anything and he said, "I had pictures of my kids, hockey folders, stuff like that...educational stuff that I took off the hard drive." (p. 82)

Mr. Fernandes was asked if he backed up his desk top computer completely, he said, "no, just the stuff that I needed, just the stuff that mattered to me." (p. 86)

Mr. Fernandes was then asked about the company BRL. He said that BRL is an S Corp company he started approximately nine years ago. He said that BRL is the initials of his kids and his wife. Mr. Fernandes said that he started the company to earn additional money. He said he provides consulting services that are related to infrastructure work for project management. He said when he started, he didn't have any clients and he was not earning any money. He said he did do one job approximately seven years ago, but he did not wish to comment on the record for this interview on the project he did. He said that his long-term goal for his company was at some point when he retired from Hingham, he would have had this in place for a number of years. He said the only significant thing he did was the work he did more recently for the City of Quincy. He said that he has had other towns come to see and replicate the successful programs that he instituted with Harry Sylvester in the Town of Hingham. He said "Quincy really didn't have a pavement management system in place that sort of did that for them...and we were implementing a process. It's crack seal level micro-surfacing." (p. 93)

He said that representatives from the City of Quincy came down to meet with him to see the successful things that they were doing in Hingham. Mr. Fernandes said he met with the commissioner Al Grazioso, Larry Prenderville and Carol Costello's husband, Paul Costello. Mr. Fernandes said that initially they came down and he showed them Lafayette Square where they were doing a lot of paving work. He said that the representatives from the City of Quincy asked if he could help them out. He said initially, during the fall of 2017, he did it as a professional courtesy like he has done with other communities. He said that after this initial help provided to the City of Quincy, they came to him and said "Gees, you know, we would love to be able to have you help us more formally, this is not ... you know, we are not geared up to do this." (p. 96)

Mr. Fernandes said he told the City of Quincy, "Well I do have my own company, I have a whole thing that I do." (p. 96) He said that the representatives of the City of Quincy said they would like to get a proposal from him. He said he sent Quincy a proposal in the beginning of 2018. He said that he dealt directly on the bid with representatives from the Quincy procurement office. He said he was dealing directly with Larry Prenderville at

the DPW office on the project itself. He said he only dealt with Paul Costello on technically related stuff. (p. 121)

Mr. Fernandes said he managed almost \$22.7 million worth of work for the City of Quincy. He said that it was all roadwork on various streets throughout the City.

Mr. Fernandes was asked if he ever informed anyone with the Town of Hingham that he had started this company back in 2010. He said that he did not inform anyone back in 2010. He said that he presumes the former Town Administrator Ted Alexiades knew he had a company because when Mr. Alexiades left, he asked Fernandes about helping him with projects, but he was never hired by Ted Alexiades.

Mr. Fernandes was asked how he first met Paul Costello, Carol's husband. He said that he met Paul Costello sometime back in 2007 or 2008 when Paul Costello was employed by an engineering firm called the Gale Associates.

Mr. Fernandes was asked how Paul Costello was hired by the Town of Hingham. He said, "I didn't hire him." He further said the Town of Hingham hired him initially as a representative from Gale Associates, "that's the first time he started working for the Town of Hingham. I had no involvement, I didn't know him, never had any decision-making process in terms of the hire. That's who he worked for and that's who they hired, the DPW committee." (p. 101)

He said when he first met Paul Costello, Carol Costello was not working for him. He said he did not work closely with Paul Costello during that time and as a result when Carol was hired for the job, he had no idea who her husband was. Mr. Fernandes said he first started working closely with Paul Costello when Paul was working for Polaris Co. on the Hingham landfill capping back in 2009 or 2010, but he was not sure. He said the Town had originally employed the Griffin Engineering Co. and the prices for the landfill capping were too high and Paul Costello's company Polaris came in and they were able to save the town money. Mr. Fernandes said that when Paul Costello's company was hired that he filed a disclosure form with the Clerk's office because Carol Costello was working in his office. Mr. Fernandes said he thought it was at the recommendation of the then Town Attorney to make this disclosure.

Mr. Fernandes said that Paul Costello did additional work for the Town of Hingham about 5 years ago on the design, permit and walkway on the inner Harbor in the Town of Hingham at the Hingham bathing beach. Mr. Fernandes said that Paul was perhaps then working with a company called Design Consultants Inc., which bought out Polaris

Co. He said that he believes that Paul Costello did not become the engineer for the City of Quincy until a couple of years ago.

Mr. Fernandes said he did not file any disclosure forms when he started his own company and it wasn't until more recently that he filed any disclosure forms when these allegations concerning him first came up. (His recent disclosure is included in this report.)

Mr. Fernandes said that he signed an open ended at will contract with the City of Quincy. He said for a lot of the work, he didn't even bill the City of Quincy. He said, "It wasn't a money grab for us, you know, we want to build a relationship so if some of the work...even the meetings we might have attended, we didn't bill them for it." (p. 125) Mr. Fernandes said some of his responsibilities included authoring construction contracts for the City of Quincy. He said that the procurement office for the City of Quincy reviews what he authors and then it would go out to bid to contractors. He said the actual on-site road work did not start until sometime in August, 2018. He said the roadwork in the City of Quincy lasted "I think it was just August, September and maybe early October." (p. 131)

Mr. Fernandes was asked how Harry Sylvester became involved with BRL and working at the Quincy road worksites. He said, "So Harry approached me and said 'hey look, you know, I would love to be involved' and I knew that at some point he was coming close to time to retirement age and it made sense. And I said, 'well you know this is a good fit for us', so he approached me and I said OK, let's work together on some of this stuff." (p. 132)

Mr. Fernandes said that Harry Sylvester's responsibilities were similar to what he does for the Town of Hingham. He said there's a fair amount of coordination that takes place when you show up on site like detours, police details, and general oversight. Mr. Fernandes said Harry was doing everything on site, not in an office; he had to be there. Mr. Fernandes was asked if Harry Sylvester had to punch in on a time clock when he reported to work in Quincy. He said no, that Harry would just report to him what hours he worked. Mr. Fernandes said that most of those days, "I was out there as well but he basically tells me, these are the hours that I worked." (p. 133)

Mr. Fernandes was asked what he paid Harry Sylvester an hour. He said, "I don't want this to be... I'm going to decline to answer it." (p. 134) Mr. Fernandes was asked what his hourly rate on the proposals was. He said it was up to \$125 an hour. Mr. Fernandes said that he and Harry were there to oversee the construction companies to ensure they were doing what they were supposed to do at the work site. He said he did not usually

have someone from the City of Quincy that was above him at the site. He said the person that he saw the most from Quincy was Larry Prendeville. He said he may have seen Paul Costello once during the whole process.

Mr. Fernandes was asked if he and Harry Sylvester had a discussion about how he would do the Quincy work and still be able to perform all of his duties and times as a member of the Hingham Engineering Department. Mr. Fernandes said "Yeah, yeah I mean, you know, I mean...I would say the discussion was pretty self-evident, you know, if we're out here working it's off hours...night work...Saturday, Sunday, Columbus Day then we didn't have... there was nothing really to discuss. If we were there during the day, Harry is going to take a vacation or personal day to do that work." (p. 138)

Mr. Fernandes was asked whom he sent his invoices to at the City of Quincy. He said he would send them to Larry (Prendeville).

Mr. Fernandes was asked about the allegations concerning Harry Sylvester working for him in Quincy and not being on proper time off from the Town of Hingham. He said that he was familiar with the allegation concerning Harry's use of time. He said, "I went back and I began to look at the days that were billed and I looked up the days that were put in for vacation, sick or whatever. Then I found two days where he had worked in Quincy and then put in for eight hours of sick time one day, I believe was the 17<sup>th</sup>, and the other was the 14<sup>th</sup> of September 2018." (p. 140)

Mr. Fernandes said he sat down and met with Harry and Harry was torn up about it. He could not understand how this happened. He said that Harry went to the office and got the binder that he writes his attendance and records and realized that one sick day was entered wrong by Carol Costello by mistake. Mr. Fernandes was asked if Harry said that Carol made a clerical error on both days. He said, "the other one is he just... he made a human mistake ... I want to emphasize .... he put in eight hours of sick time when he should've put in eight hours of vacation or personal." (p. 142)

Mr. Fernandes was asked if he knew which day Harry said was a clerical error and which one was the day he took as sick time. Mr. Fernandes was not sure, but he thought it was the 14<sup>th</sup> the Friday.

Mr. Fernandes was asked if he worked on the 14<sup>th</sup> of September in Quincy with Harry Sylvester. He said, "On the 14<sup>th</sup>, I believe I did show up to the site at some point." (p. 155)

Mr. Fernandes was asked if he was aware of Mr. Sylvester's status in Hingham at the

time he was working in Quincy for BRL. Mr. Fernandes said "no". (p. 155)

Mr. Fernandes was then shown the time and attendance sheet for his Hingham Engineering department which depicts his signature. He was shown that next to his signature it says "approved by" and that he had signed that he was approving it. However, Mr. Fernandes admitted that he did not look and see if any of the employees were taking time off that they shouldn't have taken. He said, "Well, I'll put it to you this way, do you think if I saw that he had put a sick day on the 14th I would've said that's go... I mean go ahead, the answer to that would've been no." (p. 158)

Mr. Fernandes was asked if anyone signed his name for those attendance sheets, he said, "Nobody signed it for me." (p. 158)

Mr. Fernandes said he did not know that Harry Sylvester had taken a sick day back in September and had worked for BRL in Quincy until months later when the allegations surfaced and he was approached about it by Tom Mayo.

Mr. Fernandes said, "I promise you at no time did I sign that payroll sheet knowing that Harry put an eight-hour sick day in there for that day on the 14<sup>th</sup>. There was never any conscious....any fraction of my brain that said this guy is putting in eight, that's OK I'm going to let that slide. I can promise you that at any point though he was working there, it was... we knew that we either got to take a vacation day or personal day or you're not going to... don't get paid for the town that day at no time...was there any conspiracy for us to say use a sick day for that... this isn't worth it." (p. 161)

Mr. Fernandes was then shown the payroll sheets for the weeks following the period of 9-14-18 regarding the Engineering Department. He was asked about the section that said, "Please update accruals - 9/14 was eight hours sick used." Mr. Fernandes was asked about his signature which was dated 9/20/18. He said, "I didn't look...Carol put it in front of me, I signed it. I don't know how else to tell you, so we all just kind of sign it. I assume, you know ...that, you know, everybody's put in their proper time, their proper days... the only time I will look at something in particular would be like the overtime budget to see how much overtime needs to be accounted for, but do I think... four days later that he was in Quincy with me, now she changed eight hours to four hours this day, no, I don't do that. I don't see it, I don't recognize it, it isn't apparent to me when she made the change." (p. 165)

Mr. Fernandes later said, "My mistake is not going through every day that he might have worked in Quincy and did, and put in the time, so that's what, you know .... in retrospect I should have maybe checked every single day that he might've worked." (p. 172)

Mr. Fernandes was asked how the hours of work are scheduled in Quincy. He said it depends totally on what's going to happen. It's totally arbitrary; most of the work was done at night but you could not plan on it due to things like weather.

Mr. Fernandes was asked how he keeps track of their hours in Quincy. He said, "Just on a piece of paper." (p. 181)

Mr. Fernandes says he does the billing once a month to the City of Quincy. He was asked if he keeps a running document of his time worked in Quincy. He said he did "on my computer". (p. 185)

Mr. Fernandes was shown the color copy attendance records that Carol Costello provided to investigators. He identified those as the forms that Carol Costello maintains. He said he does not add or subtract any information to that document. He said the document spreadsheet was designed by Carol and Tom Molinari a couple of years ago.

Mr. Fernandes was asked if he had a conversation with Carol Costello and told her that he was working in the City of Quincy with his company BRL. He said, "No, not when we started she actually was completely .....what I did was, I completely kept those affairs separate from the office. So, you know, I never talked about it, we never really... We never discussed it, she didn't even know I had my own company." (p. 187) Mr. Fernandes said that Carol never did anything or helped with any projects with BRL.

Mr. Fernandes was asked why he didn't tell Carol Costello. He said, "because it wasn't... I didn't think it was appropriate for me to discuss it with her and regarding ... in the Town Hall... that never came up." (p. 187) He also said he did not tell Carol he saw her husband in Quincy because in fact he often did not see him at all when he was working in Quincy. He said most of the time when he worked in Quincy it was him, Harry and a lower tiered person from Quincy whom he knew only as Jeff.

Mr. Fernandes was asked if Tom Molinari was part of the BRL work or did he know about the BRL Construction. He said Tom Molinari eventually found out about it from a contractor who was doing the micro surfacing in Quincy and also was working in Hingham. He said he never asked Tom Molinari to work with him. He said as a boss, "I could never approach him and say, hey do you want to come work for me. That's not appropriate... can't do that." (p. 189)

Mr. Fernandes was asked how Harry Sylvester originally found out about the Quincy BRL work. He said it was the same way as Molinari - from people working at both sites.

Mr. Fernandes was asked if he kept the books and everything for the BRL Construction in the Hingham office. He responded "No". (p. 192)

Mr. Fernandes was asked if he used the Hingham computers for any of his business. He said, "No, the only thing I would've put on a Hingham computer would've been the stuff that I had to upload to send Tom... I emailed him this." (Referring to a document he produced for Tom Mayo later in December, 2018 or January, 2019 when the allegations first surfaced.) (p. 192)

Mr. Fernandes was asked how he differentiated between his email for the Town of Hingham and his email for BRL Construction. He said he had separate emails, but he did not wish to provide investigators with his BRL email at this time. He said the only emails that would be on his computer would be if he did a professional courtesy for say Paul Costello in Quincy.

Mr. Fernandes was then shown the documents recovered from the computer back up that was performed by the Town of Hingham IT Department of Fernandes' Hingham desktop computer. These records depicted clocked in and clocked out data for Roger Fernandes and for Harry Sylvester while working in Quincy.

In reviewing the documents presented, Mr. Fernandes said that HS in the document is Harry Sylvester. He was asked who generated this document and he said, "So this is an app that you use on your iPhone then you can export it." (p. 195)

Mr. Fernandes was asked if he used his iPhone for this. He said "yes". (p. 195)

Mr. Fernandes was asked if he used this document and the app on his Town of Hingham issued iPhone. He said, "No, I have my own iPhone. I don't recall... I don't know if I've ever used the Town phone to export this." (p. 197) He was asked how long he has had a second iPhone. He said, "I don't recall... a while" he said "but I did, you know, I might have... this might have or might not have been exported from the town phone" (p.197)

Mr. Fernandes said that the app he used to track his hours and Harry Sylvester's hours in Quincy was called Hours Tracker.

Mr. Fernandes was shown some of the billing documents that were recovered from the back up of his Hingham Town desktop computer. He said when he creates an invoice for Quincy, there's a summary of work and an invoice copy. He was asked about the

hourly rates of \$125 and \$98 on the invoices to Quincy. He said the \$125 is his hourly rate and the \$98 is Harry Sylvester's hourly rate.

Mr. Fernandes was asked if he creates the invoice documents on a computer. He said he does; he has his own computer at home.

Mr. Fernandes was then shown additional documents for different months of invoices and summaries of work that were recovered in the back up of his computer by the Town of Hingham. He was told by investigators that the Town of Hingham's computer was backed up some time ago, when the allegations were first disclosed.

Mr. Fernandes was then asked if on some occasions, he used his Hingham computer to generate the BRL invoices. He responded, "Not to the best of my knowledge, no, the only reason, I like I told you, that would've been up there was either, as I said, when we started the work... it was two things that were going on... three things, we had this... we have the contract valuations that I would compare and contrast in that... were in those files that we had the pro bono work... that we're all contained in the same file." (p. 209)

Mr. Fernandes kept stating that the BRL documents that were in the Town computer were there because he was asked to look back at what happened with Harry Sylvester when the allegations first came out. Mr. Fernandes was then shown a document that was a BRL Construction Services document dated in 2012 that was recovered from his Hingham town computer. He said, "I didn't even know this existed to be honest with you." (p. 214)

Mr. Fernandes was told that the document for 2012 was also on his Hingham computer. He responded, "OK, so it shouldn't have been I guess...that particular document." (p.214)

Mr. Fernandes was asked if he was inferring that somebody else might've put it on his computer or if he put it on his computer. He said, "Well I'm not saying anything at this point to be honest with you on this matter." (p. 215)

Mr. Fernandes was then shown some attendance records for the Town of Hingham that corresponded with the time he was working in Quincy; specifically, on 9/14/18, which was a Friday. He was asked how he could be on the books as working in Hingham at the same time he's working with Harry Sylvester in Quincy. He said "I think we talked about that; I'm a salaried employee on that particular day, I spoke with...that particular day in question I talked to Kevin Feeley and Tom Mayo...the point I'm trying to make is,



that day in question was brought up at that January 29<sup>th</sup> meeting with Kevin Feeley and Tom Mayo." (p. 218-219)

He was asked if he spoke to them prior to September 14, 2018. He replied, "No, that's what I'm talking about... the September 14, 2018 was brought up at that January 29<sup>th</sup> meeting with Kevin Feeley and Tom Mayo. And.... there was, they understood that as an exempt salaried employee if I had met the requisite hours, if I had done what I had to do for the town of Hingham....there was no issue with me being there. I would still get paid for the... I'm a salaried employee so I get paid for that, for that week based on my salary not hourly, so what you're doing... you're saying OK, you're an hourly employee now you can't be in two places but I'm a salaried employee." (p. 219)

Mr. Fernandes was asked about some other dates in September 2018 where he is working in Hingham but he's also working during the day in Quincy. Mr. Fernandes said that the hourly tracker app that produced those times does not always reflect the exact hours they were working in Quincy; it would only reflect the amount of time they worked in Quincy. He was then asked if for example Harry Sylvester was working from 7 AM to 4 PM on September 14, 2018. He said, "He worked nine hours that day whether or not he might've gone from 6 AM to 3 PM." (p. 224)

Mr. Fernandes was then shown days that Harry Sylvester worked such as on 9/14 2018. He was depicted on the app as working from 7 AM to 4 PM. Mr. Fernandes said it isn't completely accurate, but it was close. He stated he was always more focused on getting the amount of time worked and that Quincy never was sent an invoice from him with the actual specific hours worked.

Mr. Fernandes was then shown documents that reflect him working for both the Town of Hingham, and at the same time, working in the City of Quincy for BRL Construction. He was asked if he ever told anyone from the Town of Hingham on the days he did this that that he was taking hours that he thought should be comp time. He said he did not.

Mr. Fernandes was asked if he could call up to someone in the Town and state words to the effect, "tomorrow, put me down for eight hours being present but in reality, I'm not going to be here because I've already worked 66 hours this week?" He said, "There might not be a mechanism for that, but it's done in practice regularly by all the town employees... including me." (p. 242)

In his interview, Mr. Fernandes stated that he rarely used the time off that he felt he was entitled to from having worked many hours during the week. He was asked how often he did not come to work at Hingham because he was owed hours from having worked

over 40 hours in the week. He said he was not in a position to answer that; it is too broad a question.

Mr. Fernandes and the investigators then took a break because Mr. Fernandes said he needed to "rethink this". (p. 243)

Shortly thereafter, Mr. Fernandes declined to be interviewed any further and stated he wished to consult with someone before he spoke again with investigators about this investigation.

### **Review of Engineering Department Computer Backup**

At the request of Mr. Tom Mayo, Town Administrator, Mr. Steven Becker, MIS Director for the Town of Hingham, performed a restoration and backup of the U drives of the computers utilized by the employees of the Engineering Department for three dates: December 3, 2018, April 15, 2019, and May 27, 2019. A copy of this information was provided to Matthews & Matthews, LLC on an external hard drive at the outset of this investigation.

Investigators performed a search of the backup of each of the Engineering Department employees' computers for the three dates provided by Mr. Steven Becker using the key words "brl" and "brl construction". Our search yielded no results for the three dates for either Mr. Harry Sylvester or for Mrs. Carol Costello.

The backup dated December 3, 2018 of Mr. Roger Fernandes' computer yielded significant work product related to BRL Construction (Consulting) Services. Documents related to BRL work included projects for the towns of Bourne, MA and Quincy, MA, Cardinal Health of Peabody, MA and as a Consultant for Briggs Engineering. This backup also provided investigators with the ability to review Mr. Fernandes' Hingham email ([FernandesR@hingham-ma.gov](mailto:FernandesR@hingham-ma.gov)). A review of these emails indicated that Roger Fernandes prepared BRL Construction invoices on his Hingham computer and subsequently emailed them to his personal or BRL email addresses. Investigators have included copies of documentation indicating the dates and times that BRL invoices and statements were saved on Roger Fernandes' Hingham Town computer; copies of these invoices and statements are included in this report. Also included are the copies of emails of BRL invoices being sent between Mr. Fernandes' work and personal emails. There are also additional emails containing other reports and information related to Fernandes' BRL Construction Services.

It should be noted that a similar search of the backups dated on April 15, 2019 and May 27, 2019 by investigators yielded no search results related to BRL or BRL Construction that investigators were able to identify. Mr. Steven Becker noted that he found a considerable difference in the size of Roger Fernandes' computer's drive from the different restore dates. He stated that a considerable amount of data (15.47 GB) had been purged between 12/3/18 and 5/27/19. It appears that the BRL Construction Services information was purged from Fernandes' computer.

**Review and Comparison of Payroll / Time Records:**  
**Roger Fernandes / Harry Sylvester**

Investigators from Matthews & Matthews, LLC were provided with various payroll records for the Town of Hingham for the Engineering Department as well as copies of the color-coded time spreadsheets developed by Carol Costello and Tom Molinari of the Engineering Department and used within the Engineering Department to track time. In addition, the search of Roger Fernandes' computer via the backup performed by Mr. Steven Becker as of December 3, 2018 provided investigators with invoices and statements for BRL Construction which specified the dates that Mr. Fernandes and / or Mr. Sylvester worked and were being billed to the City of Quincy by BRL Construction Services. Further, through a search of Mr. Fernandes' Hingham email, investigators located an hours tracker application used by Mr. Fernandes to monitor time spent by himself and Mr. Sylvester on BRL projects. This information was used to compile the following comparisons of time charged to the Town of Hingham versus time billed by BRL for Harry Sylvester and for Roger Fernandes. The source documents described above and used to create these tables are included in this report. The information included in the following tables are derived from the following data:

- The first column of these tables identifies the dates reviewed.
- The second column is the information from the review of the payroll sheets that are submitted to the Hingham Town Accounting Department by the Engineering Department, signed by the respective employees and approved by Roger Fernandes.
- The third column is the information obtained from the review of the color-coded Excel spreadsheet designed and maintained by Tom Molinari and Carol Costello for the employees assigned to the engineering department.

- The fourth column is the information obtained from an examination of the hours submitted by Roger Fernandes to the city of Quincy on the BRL construction invoices for work done by Harry Sylvester and Roger Fernandes.
- The fifth column is a review of the information obtained from the Hours tracker application that Roger Fernandes maintained for work performed in the city of Quincy for himself and Harry Sylvester. This information was recovered from Roger Fernandes' Town of Hingham computer. It should be noted that n/a is where investigators did not locate an Hours Tracker record from Fernandes' Hingham computer.

#### **Roger Fernandes – Payroll Information vs. BRL Invoicing / Hours Tracker**

<b>Date</b>	<b>Hours per Engineering Payroll FY 2018</b>	<b>Hours per Engineering (CC/TM) Spreadsheet</b>	<b>Hours per BRL Construction Invoicing</b>	<b>Hours per RF Hours Tracker App (located on RF Town Computer)</b>
January 15, 2018	8 hrs work	Holiday	1 hour	n/a
January 16, 2018	8 hrs work	8 hrs work	6 hours	n/a
January 18, 2018	8 hrs work	8 hrs work /4 hrs comp banked	4 hours	n/a
January 20, 2018	Saturday – Day off	Saturday – Day off	3.2 hours	n/a
January 21, 2018	Sunday – Day off	Sunday – Day off	3.2 hours	n/a
January 22, 2018	8 hrs work	8 hrs work	5 hours	n/a
February 8, 2018	8 hrs work	8 hrs work	2.5 hours	2.5 hrs (1330-1600)
February 10, 2018	Saturday – Day off	Saturday – Day off	2.5 hours	2.5 hrs (1630-1900)
February 14, 2018	8 hrs work	8 hrs work	2.5 hours	2.5 hrs (730-1000)
February 15, 2018	8 hrs work	8 hrs work	2 hours	2 hrs (1100-1300) Meeting
February 25, 2018	Sunday – Day off	Sunday – Day off	6.35 hours	4.35 hrs (914-1335)
March 2, 2018	8 hrs work	8 hrs work	3.82 hours	3.82 hrs (1110-1459)
March 4, 2018	Sunday – Day off	Sunday – Day off	6.9 hours	6.9 hrs (1130-1824)
March 5, 2018	8 hrs work	8 hrs work	3.05 hours 1.85 hours	3.05 hrs (1005-1308) 1.85 hrs (1501-1652)
March 9, 2018	8 hrs work	8 hrs work	1.45 hours 2.43 hours	1.45 hrs (1120-1247) 2.43 hrs (1353-1419)
March 13, 2018	8 hrs work	8 hrs comp used	1.97 hours	1.97 hrs (1127-1325)
March 23, 2018	8 hrs work	Blank	3 hours	3 hrs (1200-1500) Meeting at DPW re: Quincy

Date	Hours per Engineering Payroll FY 2018	Hours per Engineering (CC/TM) Spreadsheet	Hours per BRL Construction Invoicing	Hours per RF Hours Tracker App (located on RF Town Computer)
April 3, 2018	8 hrs work	8 hrs work	3.5 hours	3.5 hrs (1200-1530)
May 10, 2018	8 hrs work	8 hrs work	4.02 hours	4.02 hrs (755-1156)
May 29, 2018	8 hrs work	8 hrs work	5 hours	5 hrs (1600-2100)
May 31, 2018	8 hrs work	8 hrs work	4.35 hours	4.35 hrs (1009-1430)
June 8, 2018	8 hrs work	8 hrs work	4 hours	n/a
June 11, 2018	8 hrs work	8 hrs work	8.08 hours	n/a
June 12, 2018	8 hrs work	8 hrs work	4 hours	n/a
June 14, 2018	8 hrs work	8 hrs work	8.25 hours	n/a
June 18, 2018	8 hrs work	8 hrs work	4 hours	n/a
July 5, 2018	8 hrs vacation	8 hrs vacation	3.5 hours	n/a
July 11, 2018	8 hrs work	8 hrs work	3.5 hours	n/a
July 16, 2018	8 hrs work	8 hrs work	4 hours	2.5 hrs (1400-1630) Meeting at QDPW
July 19, 2018	8 hrs work	8 hrs work	3 hours	n/a
July 20, 2018	8 hrs work	8 hrs work	2.5 hours	n/a
July 23, 2018	8 hrs work	4 hrs work / 4 hrs comp used	4 hours	2 hrs (830-1030) Meeting at QDPW
July 27, 2018	8 hrs work	8 hrs work	4 hours	3 hrs (1400-1700)
August 13, 2018	8 hrs work	8 hrs work	3 hours On site QDPW	n/a
August 15, 2018	8 hrs work	8 hours work	4.5 hours	n/a
August 17, 2018	5 hrs work / 3 hrs personal	5 hrs work / 3 hrs personal	6 hours	n/a
August 18, 2018	Saturday – Day off	Saturday – Day off	8 hours	n/a
August 20, 2018	5 hrs work / 3 hrs personal	5 hrs work / 3 hrs personal	9.5 hours	n/a
August 25, 2018	Saturday – Day off	Saturday – Day off	8.5 hours	n/a
August 27, 2018	8 hrs work	8 hrs work	4.5 hours	n/a
August 28, 2018	8 hrs work	8 hrs work	4 hours	n/a
August 29, 2018	8 hrs work	8 hrs work	9.5 hours	n/a
August 30, 2018	8 hrs work	8 hrs work	9 hours	n/a
September 5, 2018	8 hrs work	8 hrs work	6 hours	6 hrs (700-1300)
September 6, 2018	8 hrs work	8 hrs work	2 hours	2 hrs (900-1100)

Date	Hours per Engineering Payroll FY 2018	Hours per Engineering (CC/TM) Spreadsheet	Hours per BRL Construction Invoicing	Hours per RF Hours Tracker App (located on RF Town Computer)
September 9, 2018	Sunday – Day off	Sunday – Day off	8 hours	8 hrs (1930-330(10 <sup>th</sup> ))
September 11, 2018	8 hrs work	8 hrs work	8 hours	8 hrs (1930-330 (12 <sup>th</sup> ))
September 14, 2018	8 hrs work	8 hrs work	9 hours	9 hrs (700-1600)
September 15, 2018	Saturday – Day off	Saturday – Day off	9.5 hours	9.5 hrs (400-1330)
September 16, 2018	Sunday – Day off	Sunday – Day off	7 hours	7 hrs (530-1230)
September 17, 2018	8 hrs work	8 hrs work	4 hours	4 hrs (600-1000)
September 23, 2018	Sunday – Day off	Sunday – Day off	10 hours	10 hrs (1900-500 (24 <sup>th</sup> ))
September 24, 2018	8 hrs work	8 hrs work	10 hours	10 hrs (1900-500 (25 <sup>th</sup> ))
September 30, 2018	Sunday – Day off	Sunday – Day off	3 hours	3 hrs (2100-000)
October 1, 2018	8 hrs work	8 hrs work	2 hours	2 hrs (800-1000)
October 3, 2018	8 hrs work	8 hrs work	3 hours	3 hrs (2100-000)
October 5, 2018	8 hrs work	8 hrs work	3 hours	3 hrs (1430-1730) Mtg w SCI
October 7, 2018	Sunday – Day off	Sunday – Day off	11 hours	11 hrs (530-1630)
October 8, 2018	Holiday	Holiday	11 hours	11 hrs (530-1630)
October 12, 2018	8 hrs work	8 hrs work	8 hours	8 hrs (2030-430 (13 <sup>th</sup> ))
October 17, 2018	8 hrs work	8 hrs work	4 hours	4 hrs (1530-1930) wrong date- Requisition / mtgs
October 18, 2018	8 hrs work	8 hrs work	3 hours	3 hrs (1821-2121)
October 21, 2018	Sunday – Day off	Sunday – Day off	3 hours	3 hrs (2100-000)
October 28, 2018	Sunday – Day off	Sunday – Day off	4 hours	4 hrs (2100-100(29 <sup>th</sup> ))
October 30, 2018	8 hrs work	8 hrs work	1 hour	1 hr (1308-1408)

A review of Roger Fernandes' Town of Hingham attendance records in comparison to the invoices reveals instances where Fernandes is working for the Town of Hingham while also working for his BRL Construction Services in the City of Quincy. Of particular note is the date of September 14, 2018 where it appears that Mr. Fernandes worked for 9 hours during the day in the City of Quincy with Mr. Sylvester while also being paid for a full day of work for the Town of Hingham. There are also various dates (February 15, 2018, March 23, 2018, July 16, 2018 and October 5, 2018) where Mr. Fernandes is attending meetings during mornings and afternoons in Quincy for BRL Construction Services while being paid for a full day of work in the Town of Hingham. It should also be noted that there is no reference to Compensatory hours in Mr. Fernandes' contract dated 2017 (which is included in this report). The contract also states (Section 6) that Mr. Fernandes shall work during the same hours as the Public Works Department is open to the public.

### Harry Sylvester – Payroll Information vs. BRL Invoicing / Hours Tracker

Date	Hours per Engineering Payroll FY 2018	Hours per Engineering (CC/TM) Spreadsheet	Hours per BRL Construction Invoicing	Hours per RF Time Tracker App (located on RF Town Computer)
August 17, 2018	8 hrs personal	8 hrs personal	9.5 hours	n/a
August 18, 2018	Saturday – Day off	Saturday – Day off	5.5 hours	n/a
August 20, 2018	8 hrs vacation	8 hrs vacation	12 hours	n/a
August 25, 2018	Saturday – Day off	Saturday – Day off	8 hours	n/a
August 27, 2018	2 hrs personal	2 hrs personal	2.5 hours	n/a
August 29, 2018	8 hrs work	8 hrs work	10 hours	n/a
August 30, 2018	2.5 hrs sick	2.5 hrs sick	10 hours	n/a
August 31, 2018	2 hrs sick	2 hrs sick	0 hours	n/a
September 5, 2018	8 hrs vacation	8 hrs vacation	10.5 hours	10.5 hrs (0600-1630)
September 9, 2018	Sunday – Day off	Sunday – Day off	8 hours	8 hrs (1930-330 (10 <sup>th</sup> ))
September 11, 2018	7 hrs work / 1 hr sick	blank	8 hours	8 hrs (1930-330 (12 <sup>th</sup> ))
September 14, 2018	8 hrs sick	8 hrs sick	9 hours	9 hrs (630-1530)
September 15, 2018	Saturday – Day off	Saturday – Day off	10 hours	10 hrs (400-1400)
September 16, 2018	Sunday – Day off	Sunday – Day off	8 hours	8 hrs (430-1230)
September 17, 2018	8 hrs sick	8 hrs sick	8.5 hours	8.5 hrs (630-1500)
September 23, 2018	Sunday – Day off / 5 hrs OT	Sunday – Day off	11 hours	11 hrs (1900-600(24 <sup>th</sup> ))
September 24, 2018	4 hrs sick	8 hrs work	11 hours	11 hrs (1900-600(25 <sup>th</sup> ))
September 25, 2018	4 hrs sick	4 hrs sick	0 hours	See above
September 30, 2018	Sunday – Day off / 8 hrs OT	Sunday – Day off	4 hours	4 hrs (2100-100(10/1))
October 4, 2018	4 hrs work / 4 hrs sick (accrual)	8 hrs work	4 hours	4 hrs (2100-100 (5 <sup>th</sup> ))
October 5, 2018	8 hrs work	4 hrs work / 4 hrs sick	2 hours	2 hrs (1925-2125)
October 8, 2018	Holiday – Day off	Holiday – Day off	5 hours	5 hrs (1030-1530)
October 10, 2018	4 hrs work / 4 hrs sick / 4 hrs OT	4 hrs work / 4 hrs sick / 4 hrs OT	5.5 hours	n/a
October 12, 2018	8 hrs work	8 hrs work	8.5 hours	8.5 hrs (2030-500(13 <sup>th</sup> ))
October 17, 2018	8 hrs work	Blank	5 hours	5 hrs (2030-130 (18 <sup>th</sup> ))
October 21, 2018	Sunday – Day off	Sunday – Day off	4.5 hours	4.5 hrs (2030-100 (22 <sup>nd</sup> ))

Date	Hours per Engineering Payroll FY 2018	Hours per Engineering (CC/TM) Spreadsheet	Hours per BRL Construction Invoicing	Hours per RF Time Tracker App (located on RF Town Computer)
October 28, 2018	Sunday – Day off / 4 hrs OT / 7.5 DT	Sunday – Day off	5.5 hours	5.5 hrs (1930-100 (29 <sup>th</sup> ))
October 29, 2018	5 hrs work / 3 hrs sick	5 hours work / 3 hours sick	0 hours	See above
October 30, 2018	8 hrs work / 1 hr OT	8 hrs work / 1 hr OT	7.5 hours	n/a

A review of the above records for Harry Sylvester indicates that Harry Sylvester took eight hours of sick time from his position in Hingham on September 14, 2018 and worked nine hours during the day in the City of Quincy on behalf of BRL Construction for the job description of micro surface Elm, Liberty and West.

A review of the records for Harry Sylvester on September 17, 2018 indicates that Harry Sylvester took eight hours of sick time from the Town of Hingham and worked 8.5 hours during the day in Quincy for the job description of micro surfacing of Elm Street, Liberty Street -West Street.

### **Investigative Findings and Conclusions**

As a result of the administrative investigation conducted by Matthews & Matthews, LLC concerning allegations that members of the Town of Hingham Engineering Department were involved in potential misconduct regarding their hours of work and their involvement in outside employment while being paid by the Town of Hingham, as well as allegations that employees may have been utilizing Town equipment and computers in furtherance of a private business outside of the Town of Hingham interest; and that upon being placed on administrative leave, Mr. Roger Fernandes and potentially others, removed property belonging to the Town of Hingham without authorization, the following information was determined and is submitted for your consideration:

- The Town of Hingham maintains an Engineering Department within the administrative and organizational structure of the Town.
- There were four employees assigned to the Engineering Department in 2018. They were: Roger Fernandes, Town Engineer; Harry Sylvester, Assistant Project



Engineer; Thomas Molinari, Assistant Projects Engineer/ Inspector; and Carol Costello, Office Administrator.

- Mr. Roger Fernandes was appointed as the Town Engineer in 2013, after having worked as a town employee since 2004. Mr. Harry Sylvester was appointed as the Assistant Project Engineer in 2008-2009 and has been employed by the Town in some capacity since 1978. Carol Costello has been an employee in engineering since 2008; Thomas Molinari was hired in 2017.
- Mr. Roger Fernandes is a full-time salaried employee whose regularly scheduled hours are Monday-Friday from 8:30 AM until 5:00 PM. (Per his current employment contract, he is to work during the same hours as the Public Works Department is open to the public.) Mr. Harry Sylvester is a full-time hourly employee whose regularly scheduled hours are Monday-Friday from 7:30 AM until 4:00 PM.
- Mrs. Carol Costello is a part-time hourly employee (20 hours / week) who usually works in the Engineering Department on Tuesdays, Wednesdays and Thursdays; she also receives a stipend for work she does for the Community Preservation Committee. Mr. Tom Molinari is full-time hourly employee whose regularly scheduled hours are Monday-Friday from 7:30 AM until 4:00 PM.
- As part of her duties, Mrs. Carol Costello was responsible for submitting the weekly time and attendance records for the Engineering Department employees to the Town of Hingham Accounting Office. These submissions usually occurred on Wednesdays or Thursday mornings of any given week.
- There is a time sheet titled Engineering Payroll Fiscal Year 2018 that is filled out each week by the Engineering Department that is signed by each employee and approved and signed by Roger Fernandes. This form is submitted weekly to the Hingham Accounting Department.
- Mrs. Costello stated that since 2017, she also maintained a separate color-coded Excel spreadsheet that she designed with Tom Molinari on her office computer in which she tracked the individual weekly attendance and hours of work for each of the Engineering Department employees.
- Mrs. Costello stated that it was common belief in their office that Mr. Fernandes, as a full-time salaried employee, earned compensatory time credits (comp time) for those hours he worked beyond his assigned 40 hours.
- Mrs. Costello said she was told Mr. Fernandes was entitled to compensatory time years back but could not recall by whom. Mrs. Costello said she was not familiar with the specifics of Roger Fernandes' employee contract.
- Ms. Costello maintained a running tally of Roger Fernandes' comp time balance for the year.
- Mr. Fernandes stated that the Town of Hingham does not have a formal comp time system.

- Both Mr. Fernandes and Mrs. Costello acknowledged that there is no mechanism to submit Mr. Fernandes' accrual or use of comp time hours via the Town's payroll system.
- Mr. Fernandes and Mrs. Costello stated that he rarely took his accrued compensatory time credits.
- Mr. Fernandes, as part of his responsibilities as the Town Engineer, authorized and signed the payroll submission sheets that were prepared by Mrs. Costello each week.
- Any weekly payroll discrepancies requiring attention or modification were handled the following week by the Hingham Accounting Department employees and Mrs. Costello.
- While still employed by the Town of Hingham, Mr. Fernandes started a private consulting company, identified as BRL Construction Services, in approximately 2008.
- Mr. Fernandes did not inform anyone in the Town of Hingham Administration that he started his own company.
- Mrs. Costello stated that she did not know that Mr. Fernandes had a private company for over 10 years until she saw the report on the news. Mrs. Costello said sometime in November, 2018 her husband mentioned that Harry and Roger were doing an unbelievable job but she stated she thought they were just helping out another town as they have done with other local towns in the past.
- Thomas Molinari stated that he did not know Roger Fernandes had a private company until late in 2018. He said that Sylvester told him he was helping Fernandes.
- Investigators found no evidence that either Thomas Molinari or Carol Costello were employed in any capacity by Mr. Fernandes as part of his BRL Construction Services company.
- Mr. Fernandes said that he never told Carol Costello he had a company or that he was working privately in Quincy. He said he kept that all separate from his office in Hingham and Hingham Town Hall. He said Carol Costello never helped him with his BRL Construction business.
- Mr. Fernandes stated that BRL Construction Services had very little, if any, work for the first several years after he started the company.
- Mr. Fernandes stated that in the early part of 2018, he engaged his private company (BRL Construction) to assist the City of Quincy on several construction and paving projects.
- Mr. Fernandes said that he had previously assisted the City of Quincy in 2017, as he had other municipalities, in his official capacity as Hingham's Town Engineer, as part of a "professional courtesy" relationship.

- Mr. Fernandes said that he agreed to undertake this outside employment opportunity in Quincy using his private company and sent a proposal which was accepted by the City in early 2018.
- Mr. Fernandes said that the actual on-site roadwork in Quincy did not begin until early August 2018 and lasted through October, 2018.
- Mr. Harry Sylvester stated he approached Mr. Fernandes at the start of the Quincy projects in 2018 and asked Mr. Fernandes if he needed any assistance as part of the private work. Mr. Fernandes agreed to hire Mr. Sylvester to oversee the on-site construction and paving operations for the City of Quincy contract.
- Mr. Sylvester and Mr. Fernandes maintained their full-time employment with the Town of Hingham throughout the entirety of the City of Quincy's private contract with BRL Construction Services.
- Mr. Fernandes submitted monthly BRL Construction invoices to the attention of Mr. Larry Prendeville at the Quincy DPW for the various days and hours that both he and Mr. Sylvester worked on the project.
- Mr. Fernandes stated that the majority of the actual on-site work regarding the Quincy projects occurred on weekends or during nighttime / overnight hours.
- Mr. Fernandes said that it was "self-evident" between he and Mr. Sylvester that if the Quincy project required Mr. Sylvester to be present during normal Town of Hingham work hours, Mr. Sylvester would take an appropriate personal day or vacation day to do the work for BRL Construction.
- Mr. Sylvester admitted that on Friday, September 14, 2018, Mr. Sylvester used 8.0 hours of his Town of Hingham accrued sick leave. Both Mr. Fernandes and Mr. Sylvester also acknowledged that Mr. Sylvester worked on that same day as part of his outside employment with BRL Construction Services in Quincy from approximately 7:00 AM until 4:00 PM
- Mr. Sylvester acknowledged that his time and attendance records for the Town of Hingham, as submitted by Ms. Carol Costello, show that he again used 8.0 hours of accrued sick leave on Monday, September 17, 2018. However, Mr. Sylvester claims that his personal notations reflect that he told Mrs. Costello to put him down for 8.0 hours of vacation leave, not sick leave. Mr. Sylvester contends that Mrs. Costello made a clerical error in her payroll submission regarding his attendance.
- Mr. Sylvester's personal journal, which he used to track his time and attendance for the Town of Hingham, indicates he used 8 hours sick time on September 14, 2018 and 8 hours vacation used on September 17, 2018.
- Both Mr. Fernandes and Mr. Sylvester acknowledge that Mr. Sylvester worked on Monday, September 17, 2018 as part of his BRL Construction employment at the

Quincy site. Mr. Sylvester further acknowledged that he worked from approximately 6:30 AM until 3:00 PM for a total of 8.5 hours

- Mr. Fernandes acknowledges that he signed and authorized both payroll sheets (weeks ending September 15, 2018 and September 22, 2018) which reflect Mr. Sylvester's attendance and use of accrued time
- Mr. Fernandes said he did not know that Harry Sylvester worked in Quincy while he was on a sick day in Hingham.
- Mr. Fernandes stated that he utilized an app on his phone that assisted him in recording the hours that were worked by both he and Mr. Sylvester on the Quincy project. He further said that he was able to transfer the records in the app to his computer to assist in creating the BRL Construction invoices.
- Mr. Fernandes denied at first utilizing his Town of Hingham computer or Town issued iPhone to record hours and generate his BRL Construction invoices.
- Mr. Fernandes returned his Town issued iPhone when he was placed on administrative leave in May, 2018. Investigators were advised by the MIS Department of the Town of Hingham that the iPhone was erased and reset to factory settings and contained none of Mr. Fernandes' information.
- Mr. Fernandes stated that he had a second iPhone but could not recall when he got that personal phone.
- Upon being shown several records pertaining to BRL Construction matters that were recovered during the backup imaging of his Town of Hingham computer, Mr. Fernandes acknowledged that he may have used his Town issued iPhone and computer to generate the documents.
- Mr. Fernandes was placed on Administrative Leave in early May of 2018 by Town Administrator, Mr. Tom Mayo.
- Mr. Fernandes acknowledged that on April 30, 2019 and May 1, 2019, he removed several boxes containing "personal items" from his office with the assistance of Mr. Tom Molinari and Mrs. Carol Costello.
- Mr. Fernandes stated that these items included personal clothing, manuals, books and other items that he had accrued over his years of employment.
- Mr. Fernandes stated that any items or records that belonged to the Town of Hingham were given to Mr. Molinari for preservation.
- Both Mr. Molinari and Mrs. Costello acknowledged that they assisted Mr. Fernandes in packing up his office. Neither party specifically recalls the items that were removed other than they appeared to be books, manuals, and personal items. They both said there appeared to be files that Mr. Fernandes had boxed but both Carol Costello and Thomas Molinari stated that they did not know what the files were and they did not look closely at them.

In conclusion, it is Matthews & Matthews' opinion, based upon the results of this investigation to date, that Hingham Town Engineer Roger Fernandes was less than candid or credible in his answers and explanations of how he conducted his private business in relation to his obligations and employment with the Town of Hingham. Specifically, investigators question Mr. Fernandes' explanations of his use of Hingham town computers and town issued phone in performing work for his private company, BRL Construction (Consulting) Services, given the data related to BRL recovered from his Town computer.

In his interview with investigators on July 17, 2019, Mr. Fernandes was shown documents, some of which dated as far back as 2012, that were retrieved from the backup of his Town computer. Mr. Fernandes initially stated he did not use his Hingham computer for BRL business. He said "I did not even know this existed to be honest with you." He then tried to explain that for some of the documents located on his Town computer, he was doing work pro bono or was generating files in response to requests by Mr. Mayo. (Refer to R. Fernandes interview transcript included in this report)

Investigators found no evidence at this time to indicate that Mrs. Carol Costello was involved in the BRL Construction business with Mr. Fernandes. Investigators found Mrs. Costello to be candid and forthright in her interviews.

Investigators found no evidence at this time to indicate that Mr. Thomas Molinari was involved in BRL Construction business with Mr. Fernandes. Investigators found Mr. Molinari to be candid and forthright in his interview.

Mr. Sylvester admitted that he took a full sick leave day from the Town of Hingham on September 14, 2018 in order to perform work in Quincy for BRL Construction. Investigators found Mr. Sylvester to be credible in his explanation that it was his intention to take vacation leave and not sick leave for September 17, 2018 from the Town of Hingham. It is the investigators' opinion, based upon a preponderance of the evidence, that it was a clerical error that was committed when transferring the time he maintained in his personal journal to the attendance sheets for the Engineering Department. It should be noted that Mr. Sylvester did take other hours of sick leave around the times that he was working for BRL Construction in Quincy. However, investigators were unable to determine if this was an appropriate use of his sick leave.

Investigators were unable to determine, based on a preponderance of the evidence and the interviews conducted, what items and files were removed by Roger Fernandes from his Engineering office at the time he was placed on administrative leave and vacated his office.

Earlier this year allegations were raised concerning Town Engineer Roger Fernandes.

The Town retained an outside investigation firm experienced in personnel matters to review those allegations.

That investigation is complete. Mr. Fernandes was provided with a copy of the investigators' report. The Town and Mr. Fernandes have agreed that the report will be made public.

Mr. Fernandes has resigned from his employment with the Town.

We have been and will continue to be mindful of both state and federal employment law, we will have no further comment at this time.

**ROGER FERNANDES**

**STATEMENT OF RESIGNATION**

Please accept my resignation as Town engineer effective at the end of the day Friday, September 27, 2019.

I take this action for what I believe to be the best interests of my family, the Town of Hingham and myself.

I am aware of the contents of the Town commissioned Mathews report and I have requested that the Town make this document public so that the truth be known regarding my work for Hingham.

I wish to thank those who have supported me throughout my years in Hingham and who provided me opportunities to display my abilities and demonstrate my care for the Town.

I look back on my 15 years of service as Town Engineer as a period of great productivity, quality and accomplishment for both the Town and myself professionally where I protected and improved the town's infrastructure and effectively advanced a variety of the Town's goals and objectives. I value the highly favorable relationships and reactions that I have received from my supervisors, residents and colleagues over the years. I proceed to the next phase of my professional career with highly positive memory of my years in Hingham.

Roger Fernandes